



EPISODE 43: Cory Fleming Heads To State Court Wednesday + Why Police Raids of Of Newsrooms Should Worry Us All

[00:00:03] **Mandy Matney:** Hello and happy Tuesday. We have a very interesting episode for you today. We started off talking about Cory Fleming, about what we thought might come out at his trial in September, whether more prison time for him would amount to an unfair kicking of him while he's down and what might happen at a status conference scheduled this week with Judge Clifton Newman, Creighton Waters and Cory's legal team. The status conference now appears to be a hearing and it is scheduled for noon Wednesday in Williamsburg County, which is about two and a half hours from Beaufort, where Cory's case was expected to go to trial. We will be covering the hearing live. The wonderful Eric Allen will be there to live stream. To sign up for awesome live coverage, visit lunashark.supercast.com today. And in today's episode, we talk about what the end of the receivership might mean for the victims and doling out Alex Murdaugh's assets, and we discuss the horrible and possibly illegal police raid that happened in a newsroom and at a journalist's house in Marion, Kansas. At the end of this episode, we have a special treat for you: my interview with 11-year-old Josie Duda of Fort Mill, South Carolina. Josie saw that there were no women on the South Carolina Supreme Court and she took matters into her own hands. She gives me so much hope for her generation. It might be the peskiest one yet. The full interview will be available for premium members next week. So let's get into it.

[00:01:48] **Liz Farrell:** Good morning guys. Cups up.

[00:01:50] **Eric Bland:** Cups up. Happy Monday.

[00:01:51] **Mandy Matney:** Happy Monday.

[00:01:52] **Liz Farrell:** Yeah, it is a happy Monday. So far, anyway. I think this week, like we know with all our other weeks, could just take a real wild turn at some point. But so far, I'm going into this week hopeful. How about you guys?

[00:02:05] **Eric Bland:** Hopeful, hopeful.

[00:02:07] **Mandy Matney:** Very hopeful, yeah.

[00:02:08] **Eric Bland:** Had a good weekend, got a little peeved with some things that had been going on in our little community, but other than that, things are good.



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[00:02:16] **Liz Farrell:** You know, Eric, sometimes it's just you gotta realize some people are ants, and you're the giant that's stepping on the ant. It's just not even worth our time, sometimes.

[00:02:26] **Eric Bland:** I know. I know. But it's just, you know, gratuitous slaps that are really hurtful to people, I think are unnecessary. And it's, it bothers me, you know? I don't like bullies. I don't like bullies. I don't like people that bully people and I don't like people that mock other people for no reason at all. Yeah, I

[00:02:47] **Liz Farrell:** Yeah, I totally get that.

[00:02:48] **Eric Bland:** Yeah, so you know, you know, my kids were attacked unnecessarily and gratuitously by one of our trolls. And then nobody knows anything about my children and, you know, kids have to be off limits to everybody. It's just ridiculous. I get it that we're targets, and that's okay. People can criticize me and come after me professionally or they don't like what I say, but when you start to get to kids, or you get the personal characteristics that people can change, you know, like, how I look or what does my voice sound like. I can't change my voice, and you can't change your voice, and Mandy can't change her voice, and it's what God gave us. And just to take gratuitous slaps at us that aren't professional really does peeve me, and then the crossing the line was coming after my kids.

[00:03:39] **Liz Farrell:** Yeah, I'm sorry to hear that. I don't know that I—I guess I did realize that they did say stuff about your kids.

[00:03:44] **Eric Bland:** Yeah, that my kids, you know, I bought my kids way through college and bought their grades. And, you know, my daughter's a doctor and she gave her entire childhood to reach her dream. I mean, she was a year-round swimmer, she didn't do a lot of partying, you know, it was always school first, and she grinded. She was a grinder, you know, not a great test scorer, the kid that's an overachiever that studies and studies and studies, you know? It took her two years to get into medical school and now she's a surgeon. And for somebody to say that, you know, she cheated her way or we bought grades and they don't even know us, you know, you cross a line with me, you know? You cross a line. You cross a line with everybody.



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[00:04:28] **Liz Farrell:** It's amazing. I will say this—and this is gonna sound like I'm really degrading what you're saying—but I was on some message boards this weekend for *Vanderpump Rules* on Reddit. Don't ask me why, I just, I get these questions in my head and then I just need to solve, I need answers, you know? But what was comforting to me, because I don't go on Reddit that often, is seeing the same type of trolling happening there. When it comes to conjecture, people clearly not knowing what they're talking about, people making accusations that are slanderous and actionable really. So it was just a little lesson for me that even though it's new to us that we're experiencing this now, it's in every field. I saw that Sarah Foster, who is one of the daughters of David Foster the musician, she and her sister have a podcast and she posted all the criticisms from their podcasts on her Instagram. And it's just, you know, it's just the same thing. Literally, you could sub out all of our names for the things that they're saying about Sarah that they say about us. So, it's just I think I just realized that there are certain people who are born with curly hair, some have straight hair, some have blonde hair, some have red hair, and that's just who those people are. And so some people are born with the trait of wanting to go online and degrade others, so, or disparage others.

[00:05:43] **Eric Bland:** You know we, it's a phenomenon that you see repeat itself throughout society. People build you up on the way up, and then when you get some level of success or achievement, immediately, they turn you down. And I have friends, good friends, that you know, tongue-in-cheek me when I see them at the gym or the golf course. They'll be like, "Oh, you're too big now," you know, "We don't hear from you," or whatever. And it's, they're just tongue-in-cheeking it, but there's a certain—not truth—but there's a certain realism to what they're saying. You know what I mean? You see it in society. Everybody applauds you on your way up, and then if you've achieved something, then all of a sudden, now we've got to tear you down.

[00:06:25] **Liz Farrell:** You know, it's funny—not funny, but interesting—is that I over the course of the past year have gotten, sort of like sources have complained to me if I'm not able to get back to them on time or in a short amount of time. Like, "You're too good for us now. Or you're," you know, it's just like, "enjoy your fame," or something like that. I've gotten criticized by sources and other people for the same thing that you're saying, where it's just, it's not like that. It's just, sometimes you need time off, and sometimes you need to just completely disconnect from what you're doing. And you can't be on. I've been on 24 hours a day since the day Maggie and Paul were



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killed, and Mandy has too. And it's just, sometimes you need time off. I can't get back to you the way you want me to.

[00:07:06] **Eric Bland:** What do you think, Mandy?

[00:07:07] **Mandy Matney:** Yeah, and you're busier, and like, I mean, I think of this a lot. I got to a period where I really isolated myself a lot. I wasn't calling people back, I wasn't the aggressive reporter after I got a lot of harassment thrown my way, and I just got really isolated and scared because I didn't want to open myself up to more horrible people. So like, I wouldn't call people back, and that hurt my job as a journalist. And that made me really angry because I was like, there was a period of time last year where I was like, "So I call this guy back? Or could he be a troll trying to trap me?" The mind games that all of this does to somebody is just terrible. And I also think Taylor Swift, my girl, she had a really hard time in 2016. My girl, my hero. She had a hard time in 2016 with harassment and people just really, really obsessing over her and scaring her, and the media just criticizing everything that she did. And she straight up disappeared. She just fell off the planet for a year. And that's, you kind of have to make that decision sometimes of like, do I want to keep putting myself out there and subjecting myself to all of this? And you're right, Liz, it's across the board. It's Vanderpump Rules. I was talking to a podcaster the other day, who her podcast is with Wondery, and she was saying that Wondery is used to having pretty much a hate group for every single podcast that they have.

[00:08:37] **Liz Farrell:** That's good to know. I like to hear that.

[00:08:39] **Eric Bland:** Yeah, I mean, Taylor Swift this weekend was criticized. She went to a wedding and it was really crazy the way that the crowd, you know, almost threatened, made her physically in danger. And then they started turning on her, that she shouldn't go to a wedding, and that the town was all mad because of the traffic patterns, or whatever. I mean, she just wanted to go to a wedding, or whatever function it was in New Jersey. And they then they started criticizing her dress and it's just nuts.

[00:09:08] **Liz Farrell:** It's so crazy too, because that's Long Beach Island in New Jersey, and I was thinking of that. I got a little bit of secondhand anxiety because you're basically trapped on that island. I mean, she's...



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[00:09:19] **Eric Bland:** Yeah. LBI.

[00:09:20] **Liz Farrell:** Yeah, it's this tiny, thin island. So I can't even imagine what that would be like too. Yeah, you can't win for losing. And I think that's basically the

message of the Barbie movie and every conclusion that I've reached thus far in our online antics, or the people engaging in online antics. But this brings me to one question that I had this morning for you guys. It's stuck with me since Cory Fleming's hearing last week. And that was when Judge Gergel mentioned that in this country, we don't tar-and-feather people anymore. And the idea that—and this is relevant to what we're speaking about today in part, and we'll get to it. We have a couple of broad topics here, but one of them is about Cory and his trial—is it tar-and-feathering to hope that somebody gets held accountable for the specific crimes that they're charged with? Like how much punishment is too much punishment for these people that we're talking about in the Murdaugh realm? How much? Is there a point where we're just kicking people while they're down? Is there a point? And I didn't know if you guys have any thoughts on that?

[00:10:23] **Eric Bland:** Yeah, it really bothered me because it's not tar-and-feathering Cory to make a record of what he did. Just because at the 11th hour and 59th minute he decided he was going to plead guilty and accept responsibility—and when I say 11th hour and 59th minute, I say basically in the last five months—the previous two years, he wasn't forthcoming. He did challenge everything. He didn't call the clients. And when you let somebody plead guilty to one charge, but they're charged with nine other crimes, I think there needs to be a record. Even though we're okay with him pleading guilty to one charge, you don't just sweep the nine other charges that he was charged with under the carpet and never make a record of it. I do think it's important for both retribution, for punishment of Cory and deterrence for other lawyers in society, that you do have a clear record. And for Judge Gergel to say, “Well, geez, Mr. Bland, you know, you just want to pile on and pile on pile one. He's already said he's sorry,” well, that doesn't deal with history. You've got to write history. History deserves a full and complete record, and for it not to be on the record of exactly what he did and didn't do, and how it hurt clients and the bar, I think was a disservice. And it's not tar-and-feathering. I don't view what we were doing is humiliating Cory in front of the world or his family, I just view it as, Judge, you're a judge and you've got a court reporter there, and there needs to be an accurate record of what he was



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charged with and what he did. Just because you're letting him plead guilty to a traffic violation when there was nine other things that he did that were criminal in nature, that's not right.

[00:12:11] **Liz Farrell:** Did you guys see *John Adams*, that series on HBO?

[00:12:13] **Eric Bland:** Yes.

[00:12:14] **Liz Farrell:** Mandy, did you see that?

[00:12:15] **Mandy Matney:** No, I did not.

[00:12:20] **Liz Farrell:** You should watch it. It's really good.

[00:12:18] **Eric Bland:** Oh yeah. Paul Giamatti was great.

[00:12:19] **Liz Farrell:** Yeah, it's awesome. Laura Linney, amazing. But in there, you actually see tar-and-feathering, so. And it struck me as a scene where I didn't really understand that it meant literal tar-and-feathering, I don't think, until I saw. It's sort of just one of those things. Obviously, it doesn't happen anymore. They literally just pasted you with tar and threw feathers on you. It's not just humiliating, it's literally painful. So, for the judge to have compared you listing out the offenses that Cory—I shouldn't just say the offenses, like the specific acts that he had done to bring him to this point—to call that tar-and-feathering was a little much. And it made me think, is our demand for the state to follow through with its charges against Cory in a trial or some sort of meaningful plea deal, is that considered tar-and-feathering now? Like is that something— I can see members of the public now looking at that and being like, “He's already in prison. What more do you guys want? How much punishment do you want this guy to get? He's admitted what he's done. He feels deep shame,” all of that. And I don't have it in my head yet, what my response to that is, you know?

[00:13:32] **Mandy Matney:** Well, it's different crimes, and that's the bottom line. I was talking to Justin about this the other day, and we have to understand that like, the crimes that he committed during the Satterfield heist and during the Pinckney heist were both at the federal and the state level. And it's kind of similar to if you rob a bank with an illegal gun and you break-and-enter to it. These are different, these are



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different charges because it's different things that you did, and Cory has not been held accountable for the different things that he's done. And these were crimes that took place over years and years and years, and he did nothing about. And I cannot, I could not understand possibly a world where what was done in court was tar-and-feathering. Or because Gergel also was very big on being like, "I think Cory's going to plead to the state charges, and I think he feels horrible, and I think that he's remorseful." Well, okay, well, why hasn't he pled guilty and state court yet?

[00:14:38] **Liz Farrell:** Well, that could be coming because they have a status hearing on Wednesday. So I don't know if that means that they're going to be asking for, will Debbie be asking for more time, or will there actually be, will we be getting notice that a plea deal is in the works? Not really sure what that meeting's for. Do you guys know?

[00:14:56] **Eric Bland:** I think it's a status. Exactly what you said is, is there going to be a continuances? Is there active plea negotiations? You know, have they already reached an agreement? Are they going to go forward on a plea and let the judge decide, or is there an agreed upon sentence? Look, compromise is not a bad word. It's turned out to be a bad word over the last 20 years in a lot of different things, whether it's politics, whether it's religious, whether it's crime. Compromise, plea deals, are okay. Because it does save victims from having to go forward in court and being exposed like Tony was in the murder trial and all the other victims. We do get certainty, we do get closure, we do get acknowledgment and acceptance of responsibility, all those things. So, I'm not against compromise. What I am against though is, well let's just talk about the computer crime he committed to find out which was the safety deposit box to go in the bank and rob. Let's just talk about the computer crime. No, you've got to talk about the computer crime, you've got to talk about when he went into a bank with a gun, you've got to talk about that he used explosions to blow up the safety deposit box, and then what he did with the money just to get a record. Why is everybody afraid to get a record? That's what I'm concerned about.

[00:16:13] **Liz Farrell:** I don't know, Eric. I wonder if in South Carolina, there's sort of a culture right now of, because you and Justin Bamberg are representing clients, former clients of Alex and Cory, if there is sort of—there's always a tipping point, right? So first, you're the guys that are willing to speak up, and they're sort of behind the



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scenes. People are like, “yeah, go. Good for you,” but then because you are still, you're seeking the, you want the state and the federal courts to say the right thing, right? Which is that it matters to us. You want the Supreme Court, the State Supreme Court, you want the ODC to say, “this matters to us,” and we've not gotten that from these entities, or these agencies or these people in power—so what happens then is, I think, the tipping point then becomes where people then say, well, “oh, Eric just wants to hear himself talk,” or “Justin just wants to hear himself talk,” there, you know? Kind of give it up already, we're bored by this.

[00:17:05] **Eric Bland:** Right.

[00:17:06] **Liz Farrell:** And that in this, and again, it goes back to this isn't entertainment. I don't care if you're bored by it. It needs to happen.

[00:17:11] **Eric Bland:** Right.

[00:17:12] **Liz Farrell:** But I will say, I was in my mind thinking like, what does the trial look like for Cory? Because in going through those 23 charges that he faces, it's the same, even though these are different crimes, even though it's the explosives in the gun and the breaking and entering or whatever. It's the finer points of where the crime occurred. It's still the same set of facts, right? So we are going to hear over and again, beat for beat, what he and Alex did. I don't know that anything new, like with Alex's murder trial—Oh, my god, it wasn't even just about the murders. Then we find out that Randolph and Alex are sitting behind Greg Alexander for his criminal trial just to sway that jury. And then we find out that he has two badges that he's using going—there's all these little ancillary things that we found out during that trial. I was thinking, what kinds of things could we find out during a Cory trial? Like...

[00:18:00] **Eric Bland:** Uncharged crimes.

[00:18:01] **Liz Farrell:** Yeah, so what are you thinking?

[00:18:03] **Eric Bland:** I think that Creighton Water could bring forward the stuff that happened between Pinckney and the Satterfields that he wasn't charged for to show conspiracy. So you don't, he doesn't have to be charged with every crime these done. Whether, you know, he took a fee that he shouldn't have gotten because it was a



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referral fee and he didn't do any of the work. He could, you're gonna see some bad character stuff coming in to the same arguments that Dick and Jim made. You can't let that in because that's bad character evidence. It's going to convict Alex because of things that he did over here that he's not charged from. The same thing is going to happen to Corey. Debbie Barbier is going to stand up and say, "No, you can't talk about that, because that's an uncharged crime that goes to his character and he's going to get convicted of the charge crimes because you're talking about the stuff that happened in the middle."

[00:18:54] **Liz Farrell:** Okay, so something like when we found out that Cory, some of the money was spent on like video games, right? Wasn't he like...

[00:19:00] **Eric Bland:** Video entertainment. Be careful.

[00:19:02] **Liz Farrell:** Oh, what's video entertainment? What is that Eric?

[00:19:05] **Eric Bland:** It may have a different definition than video games.

[00:19:08] **Liz Farrell:** What the heck is video entertainment?

[00:19:11] **Eric Bland:** I'm not saying it, but it covers a wide thing for men. Video entertainment. I'm not saying he did it, I'm just saying I want to know if it's Mario Brothers, or if it's something else.

[00:19:24] **Mandy Matney:** OnlyFans or something like that? Going to be OnlyFans, or...

[00:19:28] **Liz Farrell:** That never even occurred to me. I really was thinking it was Mario Brothers. I'm an idiot. Wow.

[00:19:34] **Eric Bland:** No, you're not. It may be and I'm not saying he's done it, but I want to know, what is it?

[00:19:39] **Liz Farrell:** I was picturing, I'm like how did you get so fit if he's so into video games? He's just like, going down to his game room and just playing video games to



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the point it's like just cashing in checks from Pamela Pinckney that belonged to her? Wow, now it makes more sense.

[00:19:55] **Eric Bland:** He paid off a credit card. It's credit card. He paid off an IRS obligation. What was his IRS obligation? Did he not report taxes on other income that he had over the years? I'd like to know. Was that an uncharged crime? He paid off a mortgage. I want to know what mortgage.

[00:20:11] **Mandy Matney:** And if you're Cory, you don't want all of this to be exposed. You don't want, you don't want the world watching while all of this is discussed. You don't want, you are going to want to avoid trial, I'm assuming. And as we're talking about this, it's just clicking in my head, like, yeah, he's got a lot. But the state has got to put the pressure on and be like, "You want us to show this? You want us to show this? You want blah, blah, blah," because that's what's gotta happen. Because as Justin said perfectly, he's a coyote in a trap, and he's not. He's gonna keep biting and he's not going to keep biting until he realizes that he has no other options.

[00:20:49] **Liz Farrell:** So I mean, what can the state possibly, so the worst case scenario—I guess the easiest route. I shouldn't say the worst case scenario because that's obviously from our perspective—but easiest, the thing the court is looking for is for a one-to-one. We'll give you four years and it can run concurrent with your federal sentencing. That's hopes and dreams for Cory right now, right? So, these are a combined like—I think I forget. It's 275, or something like that years—up to 200-and-something years punishment for these crimes that he has been charged with, which at this point, he pleaded guilty. That's the other thing. It works both ways, right? So yes, he pleaded guilty to the Satterfield stuff, and now he's paying restitution to Pamela Pinckney even though he didn't plead guilty to that crime. He did that for expediency for himself and to get the best deal for himself in federal court. But now you've pleaded guilty—it's the same thing with Alex and his confession of judgment—well, now you've pleaded guilty to these crimes that they're going to be trying you for. So what are we doing here? So, is the state going to come at him? When you're looking at up to 200-and-something years, are they gonna say, five years? Are they gonna say 15, or are they gonna say, "We want you in prison for 10 years." I mean, doesn't have to be kind of beefy to sort of skip the trial part of this.



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[00:22:01] **Eric Bland:** It does, but you know, it wasn't. The one charge that Cory pled to in federal court, we thought it was really light compared to what he was charged with, but then he got a pretty stout sentence. And there's reasons why we've forecasted why Judge Gergel gave him so much, because Judge Gergel thought that the state would pay him, you know, a ton of respect and not give any more time and let Cory just serve out the 46 months. But the state isn't going to do that. I think the state has to give a meaningful sentence. I think, whether it's Judge Newman or if it's an agreement between Debbie and Creighton, I think it has to be another, you know, four to five years. I see Cory serving somewhere in the neighborhood of seven years, and I feel like that that would be full justice, and fair to the victims, fair to the state, fair to Cory. Look, nobody's trying to be unfair to Cory. For me it's just, let's hit the sweet spot with the sentence. Let's not be too penal. I don't want to punish him more than necessary, so that we cover all my goals, which are a full record, a full accounting, deterrence, and retribution.

[00:23:10] **Liz Farrell:** So Mandy, what do you think a fair plea deal would be for Cory right now on the state level? What would put your mind at ease?

[00:23:17] **Mandy Matney:** I think an extra five years in NCDC would do a lot to him. Full five, so probably they would have to give him like eight, or whatever. But I think like a full five years would absolutely change a person. I think, and Cory already, as opposed to Russell who needs like, I don't know, 30 years in prison to understand because he's not getting it. At least Cory is getting it, and at least he's showing that he's getting it. Even that could have been a big show. I don't know, but it seemed—and Justin said this too and I think we all agreed on this last week—I really don't see Cory popping out of prison and doing the exact same thing over and over again. I think he's gonna keep his head down. I think he's gonna do his best to live a simple, below-the-radar, I think he learned not to play with men like Alex Murdaugh. I think he learned to not just go along with the flow. And I think he—so I think five years. What about you, Liz?

[00:24:32] **Liz Farrell:** It's so hard because I am older than you and I am of the generation where we were taught that boys make mistakes and it's okay. And I do think that there's this like groove in my head where it starts to fall in because you see Cory like, throw himself on the mercy of the court, and you see the effect that it has on his family, and you see all these people there in support of him, and you hear him



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say that he feels shame, which is what you would hope for. And then seeing him march out of the courtroom with U.S. Marshals, all of that was very stunning to me. So there's a part of me that's just then picturing him in state prison, and it's like, oh, man. Is that tarring and feathering somebody, sending them to state prison for what he did? And then it's just like, I have to be reminded about how he took advantage, how he used his profession to take advantage of people. I have to remind myself that people in power who have access to this kind of crime, you know, that are able to do these things simply because people trust them and they can go into any room and people are like, "Oh, there's Cory Fleming. He's such a great lawyer. He's such a great person," they need to be knocked down a few notches, and state prison would do that for you. So I would say, five sounds great. I mean, that sounds awful, actually. Five years in state prison sounds...

[00:25:56] **Mandy Matney:** I don't think a lot of people could. I mean, especially people like Cory. Prison is going to be a rough road.

[00:26:03] **Eric Bland:** Rough road. Remember, he's a defense lawyer. And yeah, on some level, some people are going to want his help. But on the other hand, some people are gonna say, "You know, I know about you. You forced the plea down somebody's throat. You were a plea lawyer," whatever. It's not easy sailing for a lawyer to go to prison. It's just not.

[00:26:23] **Liz Farrell:** I would say, if you're a defense attorney in the 14th circuit and you had access to the solicitor's office in a way that resulted in people's charges getting dropped, or striking some pretty nice plea deals, I bet you Cory goes to state prison a hero to some. Because I really do think that he has a few friends behind bars.

[00:26:43] **Eric Bland:** But Mandy raised an issue last week that I really thought was poignant. And she said, "Look, you know, sometimes people go commit a burglary because they're broke. They have a family, they lost their job, or whatever. And it doesn't excuse the crime, but they're trying to feed their family or whatever." Cory, why did he do this? He was already making good money. He was already a successful criminal defense lawyer. He was in the orbit of Alex Murdaugh. He was at the top of the food chain in that county. It's just why these people felt they needed more is really stunning to me.



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[00:27:18] **Liz Farrell:** Yeah, I think that's going to be one of the unanswered questions here. But we'll talk more about that, as we have a lot to cover. So let's take a quick break, and we'll be right back.

[00:27:33] **Eric Bland:** This Friday at 9am is going to be hearing in Lexington Court of Common Pleas in front of Judge Hall. John Leigh and Peter McCoy, the court-appointed receivers in the Beach case, have made a motion to deposit all that they have recovered into the court and then have their duties terminated. They have said that they've searched high and low and they've recovered, I think, a total of \$1.8 million dollars. They're making a petition for additional fees, then they want to give the court the money, and then all the victims can come forward and make their own motions or their own petitions as to what they should be entitled to. And that can be any victim: people who have sued, people who have not sued. You know, there are victims out there that I've spoken to that had, you know, an \$8,000 damage or a \$15,000 damage. And unfortunately, those cases you can't go forward on, because you have to have an expert in a legal malpractice case. You would have to have a lawyer testify as to that money was not handled properly, or that it was an excessive fee or an excessive cost. And lawyers, to get that expert witness, those lawyers charge \$10,000. So you're paying \$10,000 for an affidavit or testimony from an expert who would testify, and you're already eating up whatever the recovery could be. So there are, it'll be interesting to see whether some victims come forward who never made a claim, because their damages may be not high enough.

[00:29:19] **Liz Farrell:** That irritates me to hear that actually. So essentially, there's really no incentive. If lawyers wanted to steal \$15,000 here and there, they can just get away with it because it's not economically beneficial for the people who have the money stolen from them to hire a lawyer and fight that. Is that what I'm hearing?

[00:29:38] **Eric Bland:** Well, they won't get away with it. They'll be reported to the bar and will, hopefully they'll be before the bar. They'll have to answer to those charges and either be disbarred or suspended, and of course that's a whole other discussion, but they won't go totally unscathed. They can also be criminally prosecuted, and that often is happening if a lawyer does dip into that escrow account there. They could be criminally prosecuted. But from a civil standpoint, to get your money back, it would be difficult under those circumstances. Now, the bar does have a victim's compensation fund that you can get up to \$50,000 recovery, but you are correct that



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there is that gap where the claim isn't big enough that lawyers can be sued. Because in 2005, our legislature required if you're going to bring a case against a professional, whether it's a doctor, an accountant, an engineer, or an architect or a lawyer, you have to have an expert witness on the front end, who's going to say that that expert deviated from the standard of care. And you know, to get a lawyer to testify against another lawyer in this state, not easy. To get a doctor to testify against a doctor in this state, not easy.

[00:30:55] **Liz Farrell:** Who pays for that victim's fund?

[00:30:57] **Eric Bland:** We also have voluntary, when we pay our dues, we can give an additional amount that goes to that fund, but some is allocated by the legislature.

[00:31:07] **Liz Farrell:** So taxpayers?

[00:31:09] **Eric Bland:** Yeah.

[00:31:09] **Liz Farrell:** Okay, so hold on a second here, Eric. How many lawyers do you think give extra money to the bar for this fund?

[00:31:17] **Eric Bland:** I wouldn't know.

[00:31:18] **Liz Farrell:** Just give me a roundabout.

[00:31:20] **Eric Bland:** I don't know. I'm going to, I'm just going to, I'm going to tell you what I give every year. And it's not, it's not good. I should get more. I give \$100. So when I saw my statement, I pay for dues, I pay for my different committees I'm interested in, and then there's a line that says victim's compensation fund. And I don't give a lot, I admit it.

[00:31:42] **Liz Farrell:** I'm stunned actually. So taxpayer—okay, so that money then comes to—so lawyers in South Carolina somehow finagled it that taxpayers will cover their malpractice essentially.

[00:31:59] **Eric Bland:** Yeah, but also the bar dues. There's a certain portion of the bar dues, I think, that go over to it. I don't know. I'm sat on the bar, so I don't know how



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they how they fund that. But yeah, it comes from a number of different pots. Let's put it that way. The receivers won out. What do you think of that, that they've recovered only \$1.8 million dollars, so obviously, they haven't found any money overseas that we thought existed or you know squirreled away in a treasure trove, chest underneath, Moselle? What are your thoughts on that?

[00:32:35] **Liz Farrell:** Do you know if they looked overseas?

[00:32:37] **Eric Bland:** I don't know. I don't know any of this stuff. But those are questions that I'm going to ask on Friday at that hearing.

[00:32:43] **Mandy Matney:** I just want to say that I've been very disappointed in the way that the whole receiver thing has shaken out. It started as a pro-victims, this is how to protect the money and this is how to keep it away from the Murdaugh economy. This is how to, who don't, they do not deserve it, by the way, these things. And it kind of has evolved into this is how we protect this money, and it seems like the people who were responsible for all of this could have avoided a lot of this a long time ago. Palmetto State Bank and P.M.P.E.D., it seems like now they're all of a sudden bumped to the top of the list, and that just does not sit right with me. I just don't like the way that this whole receiver thing has shaped out.

[00:33:39] **Eric Bland:** Kind of like March, they came in like a lion and went out like a lamb?

[00:33:42] **Liz Farrell:** Maybe so, I mean, does a lamb try to make sure that some of the money is going into the Murdaugh pot so that they could take a bigger fee? Because that's what this lamb did. It feels like, so what the receivership did, they were supposed to collect all this money, right? And they did that, but at the juncture where Buster Murdaugh was trying to come up with a settlement with the Beach family and the boat crash victims who are suing him, it then became a finer point of like, so which pot is this money going? So Alex owned Edisto Beach with Maggie, so which part of that is Alex? Okay, he gets that. That gets to go on the receivership pile. But Moselle was not owned by Alex. So it sounded like the receivership at one point, I'm not sure where they got with this, was trying to fight the idea that Alex had given the rights of to the land or given the deed to Maggie, and whether that was a legal thing to have done, which probably, who knows, it wasn't. But they were trying to



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maintain as much of Moselle value in their own pot to create a bigger fee for themselves. So already, I sort of, that rubbed me the wrong way when that happened back this past spring when they were looking into that, or working on that settlement. But now It rubs me the wrong way is what happened in federal court, which is Palmetto State Bank. It looks like Palmetto State Bank and P.M.P.E.D. are now officially on the record as being victims of Alex Murdaugh. And you saw some of the expenses in Russell Laffitte's case in terms of his restitution of a couple of million dollars, some of that's to cover like \$700,000 in investigation fees that P.M.P.E.D. or Palmetto State Bank, I can't remember which one of them had that, for Cory. Cory is just paying back the money that P.M.P.E.D. ostensibly paid back to, I suppose Pamela? Has that even happened?

[00:35:42] **Eric Bland:** She hasn't gotten it yet. He's gonna have to get that money.

[00:35:45] **Liz Farrell:** What the heck?

[00:35:47] **Eric Bland:** I know, I know. Why hasn't he paid it back already, you know? That should have been done from day one. And I acknowledged in federal court that within a month of all this coming out, we had a resolution and he disgorged himself of everything, supposedly, he made in the Satterfield case. And then I got some malpractice insurance money as well. He had a very low policy, I was very surprised. Just so you understand, that's another thing, you know? This is a guy that's doing multimillion dollar products liability accident litigation. You know, defective tires, or a steering system or an airbag may have failed. Really big, high-value dollar cases, and he's only running around with \$500,000 of insurance.

[00:36:35] **Liz Farrell:** Who are you talking about, Cory?

[00:36:36] **Eric Bland:** Yeah, Cory. I got 2 million. His law firm, his entire law firm, the Moss, Kuhn and Fleming. I mean, these are big time lawyers down there in Beaufort.

[00:36:46] **Liz Farrell:** Well, because nobody would challenge them up until now, until there was no choice but to challenge them. So they didn't have to really worry about that, right?

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[00:36:53] **Eric Bland:** Right, right. It's almost like if you're a lawyer, you should run around naked without coverage or have really low coverage, because the more coverage you have, the more money somebody's gonna want. It's just, it disincentivizes lawyers to have a lot of coverage.

[00:37:10] **Liz Farrell:** Ironically, I bet you those guys had bigger policies on their cars.

[00:37:14] **Eric Bland:** Oh yeah, and an umbrella policy on their personal life and contract terms. You're right about that.

[00:37:20] **Liz Farrell:** So, I guess the question for Mandy and me right now is when the victims start to line up, I think as you said, that there's going to be victims who aren't on the record yet, possibly coming forward as well; you have the Beach family who has received a settlement in the boat crash case, and as well as the settlement from Buster. You have your clients, you have Justin's clients, and then you have the bank. I believe part of it's going to be that—I don't know where they stand on the mortgages on, which again, you look at the trajectory of these mortgages, and how can anyone take those seriously when he wasn't even required to make monthly payments the same way other people are—his line of credit, his farm loan, whatever these things are that they, I think, had already written off anyway, and then you have P.M.P.E.D., which is trying to get money for its own attorney that they had to hire in this and for those investigative costs that we talked about. So, at what point does the judge look at that and say, "Some victims are better than others?"

[00:38:25] **Eric Bland:** That's what he has, well, I think he's going to appoint a special referee. I think the judge is going to appoint somebody like a, maybe a bankruptcy lawyer or somebody that has a creditor-debtor practice, a real business attorney, to be a special referee to do that. For the 911 fund, the judge appointed that guy Friedman in New York City that was a, you know, a lawyer and he marshaled the money that was recovered to go out to victims the same way. I don't think Judge Hall is going to want to sit there and do that. I think he's going to appoint some special referee.

[00:39:02] **Liz Farrell:** This is turning into the old man in the sea. Like, by the time you get the fish back to shore, there's nothing left to it.



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[00:39:07] **Eric Bland:** It's the carcass.

[00:39:09] **Liz Farrell:** It's the carcass, so. And that's what's left for victims.

[00:39:11] **Eric Bland:** Santiago, was the fisherman. My favorite book of all time, by the way.

[00:39:17] **Liz Farrell:** Yeah, my favorite writer. You know, it makes me sick. Now what the special referee is going to take a percentage of what the total is, and then what? I mean, what? That's insane. It's just insane to me, like, I don't even have the words right now that explain how I feel.

[00:39:39] **Eric Bland:** So far, the receivers, I think, have gotten 250 or 350, and they're making another motion for another 250. And I'm not saying they haven't done a lot of work. I'm not saying that.

[00:39:51] **Mandy Matney:** What have they done? I really don't understand, like...

[00:39:56] **Eric Bland:** Well, they did produce that property and pay in Berkeley County that he was trying to sell. They brought it back into the estate and...

[00:40:03] **Mandy Matney:** No, it's fine, it's like, maybe they did find more, but I was expecting them to find some secret offshore accounts and to really unravel a lot of this mystery. And instead, it's like they took a huge percentage. And I know that they did work, but as far as, they could have used this as a public service opportunity to really get to the bottom of this, and it was just disappointing. I feel very disappointed in what the receivership did, and what, and the outcome of all of it. And the other thing that worries me is the referee that could be appointed, that could be just one of their guys.

[00:40:49] **Liz Farrell:** It sure could. Yeah. I mean, you look at the situation with the Buster Murdaugh's settlement and Maggie's estate, the lawyers in that, you know, I'd really question what they did. And they took a hefty fee from her estate. So, again, it's just, it's opportunism at every turn. So Eric, you're gonna make a big argument, I guess, against what? Like, what's going to be your case, because people are going to



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say that you cut to the front of the line or they're going to make the accusation that the Satterfields have already gotten more than what was stolen. So what?

[00:41:27] **Eric Bland:** They have. They have. So if you look at it that way, yeah, they have, but they have not gotten the taxability. They went from an un-taxable recovery to a taxable recovery. They lost the use of their funds during the height of one of the biggest bull markets we've ever had, and an unfair trade practices act requires the damages be trebled. I do admit readily that we were pretty good success and successful in what we recovered. That the boys now have more than if the settlement had gone through and the lawyers did what they did, but that's the case. I mean, Justin the same way. I mean, he's recovered, you know, probably, I think, close to \$9 million for his clients. And you look at the Beach family, so far, they've recovered \$15 million dollars. Now, the other new case, the conspiracy case is separate apart. That's Greg Parker, post-death, but I'm not going to value the Beach's claim. I'm not going to ever stand up and say, "Oh, they've gotten 15 million, that's enough for their daughter." That's not my place. All I'm going to argue is my clients. I am not going to step beyond the line to say to Mark Tinsley or Mrs. Beach, "You've gotten enough," because 15 million isn't enough for your daughter. I think there has to be some caution in how all victims proceed on this, and I'm only planning on arguing about my clients. I am not touching any other victims and trying to value their loss.

[00:43:25] **Liz Farrell:** So, hey Eric. I hear there's gonna be a status conference on Wednesday for Cory. What is the situation there? Do you know?

[00:43:33] **Eric Bland:** Well, I think it's a little more than a status conference. I think it may end up turning into a potential guilty plea. I don't know that. I have had some discussions with Creighton Waters. He does want the Satterfields present on Wednesday and he does want me to speak. He does agree that there needs to be a record of whatever happens, whether Cory pleads to certain crimes or he pleads straight up to what is charged on the state level and it's up to Judge Newman to give a sentence. He does want a record of what Cory did wrong, not just the specific crime that he's going to plead guilty to. He does believe, because the state was the one that



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uncovered these facts. The federal government didn't uncover these facts. The federal government swooped in like a hawk and grabbed the fish, and then said, "See, we solved it. We had him plead guilty. He's gone off the club fed," and...

[00:44:32] **Liz Farrell:** Actually, I think it's a little different than that, Eric. I think that the federal government had a bunch of people telling it to swoop in and grab the fish. So, it's not just that they—not to defend the federal government in this at all, because it's equally as bad—but it feels like they were pushed to steal that fish from the state in order to get Cory on a better boat.

[00:44:52] **Eric Bland:** Okay, well, what the state feels is that he has to pay a price for what he did because it's much greater in depth than what he pled guilty to in the federal government. And the state feels, yeah, 46 months is a long time, but they also feel that he should serve additional state court time for the state crimes that he committed. Because as Mandy said, they're different than the federal crimes. There's a multitude of crimes that went up to him putting money in the pocket. It's not just a conspiracy, it is bank fraud. It's invading a trust account. It's lying to your partners. It's committing bank fraud, a whole bunch of different stuff. So Wednesday, it looks like if he does plead, we will get an opportunity to speak.

[00:45:47] **Liz Farrell:** At what time is this hearing?

[00:45:49] **Eric Bland:** It's at noon on Wednesday in Williamsburg.

[00:45:52] **Liz Farrell:** Williamsburg?

[00:45:54] **Eric Bland:** So, you're going to have a busy week. Well, yeah, so the week—so hold on—so your week that was supposed to be kind of easy...

[00:46:02] **Mandy Matney:** Told you.

[00:46:03] **Eric Bland:** It is Wednesday at 12 in Williamsburg County, Judge Newman, and then Friday at nine o'clock in Lexington, South Carolina in front of Judge Hall.

[00:46:13] **Liz Farrell:** Okay, so let's talk a little bit here, because we are always of the mind that we might be getting played a little bit here. So he's going to plead guilty to



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these counts. 20 million of them. Maybe. Okay, he might plead guilty to 23 counts. And then who, and then the sentence is what? The state's not recommending a sentence, they're going to have the judge decide on the sentence or something? Is that what ends up happening wanted?

[00:46:38] **Eric Bland:** Well, the state wanted a very high sentence. He didn't tell me, but I suspect it was somewhere between 10 and 20 years. And Debbie Barbier said, "No, that's not going to be acceptable." So she would rather do her dizzle, and she's pretty good at the dizzle as we saw, right? You know, she, you said that she did it perfectly, Mandy. She hit every note tune-perfect. And she'll do her dizzle, and Cory will do his dizzle, and all the people with the letters will do their dizzle, and Judge Newman, they're backing on that he's a light sentencer. You even said that that was his reputation last week. I may disagree on that and put him to the mercy of the court again.

[00:47:23] **Liz Farrell:** Knowing that Judge Gergel told Debbie to let Judge Newman know that he is of the mind that four years is enough. So basically, this is all, I mean, this could all just disappear this week. This could also just be...

[00:47:38] **Eric Bland:** So is Judge Newman basically gonna say, "I agree with you Judge Gergel," or he's gonna look and say...

[00:47:44] **Liz Farrell:** Don't you think that's likely? You don't?

[00:47:47] **Eric Bland:** No, I don't think there's a judge that wants an article written the next day, he was like, on the Murdaugh saga.

[00:47:57] **Liz Farrell:** No, because Judge Newman is coming into this with a lot of street cred. So he is coming in here basically a national hero, and who's going to criticize him? Like that's where that is, where I feel like, a little bit of dirty is being played, because they're like, "Well, if the state says okay to this, then Alan's not going to want to take, you know, the Attorney General's not going to want to take the blame there." So here's one way we can take it away from the Attorney General's Office. We can have, put it all in Judge Newman's hands because he's got so much goodwill that this won't even detract from him being the good guy in all of this. Don't you see? Like, am I crazy?



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[00:48:34] **Eric Bland:** I don't see Judge Newman helping out a lawyer that stole for clients, but that's just the "Pollyanna" in me. You guys are, you're more detached and more objective than I am.

[00:48:49] **Liz Farrell:** But judges don't want to tar-and-feather like we said at the beginning here. I mean, because these guys take their jobs seriously when it comes to taking away a man's freedom, right? It's a heavy burden on them.

[00:48:58] **Eric Bland:** Yeah, it's serious. It's the most serious part.

[00:49:01] **Mandy Matney:** I just wanted to say we should probably talk about your Jerry Rivers really quick as we're talking about sentencing, because he pled guilty to charges not related to the Murdaugh case. Newman is going to sentence him soon, so that's another upcoming decision that Newman has related to this, and it'll be very interesting to see what he sentences a guy like Jerry Rivers. And we still don't know what Jerry Rivers actually did. He, like Cory, is looking like he pleaded guilty to charges so we didn't get a full trial and he was in jail, I believe this entire time, because he couldn't afford bond. And it could look like one of those things where the system is really really hard, like if this guy gets 20 years and he's a low-level drug dealer loosely related to Alex Murdaugh, and if he gets more time than Cory and Russell, I think that that will be a huge miscarriage of justice, yeah.

[00:50:07] **Eric Bland:** Combined, combined. I did forget another fact. I did forget another fact and that is, in my discussions with the attorney general, they are adamant that Cory did not cooperate on his proffer. Like Emily Limehouse said, he was 100% truthful and 100% cooperative. You're going to hear Creighton Waters on Wednesday say he was not cooperative on the state level. And so I think that's going to go a long way with what Judge Newman may sentence him on. He was not, he didn't give the same cooperation on the state level as he did the federal. What do you get from that, Liz?

[00:50:51] **Liz Farrell:** No surprise. I mean, it again goes back to what Justin said, he's a coyote caught in a trap. So he, the first people to help him were the feds, and it looks like now the state is going to be acquiescing to a certain degree, even though I think the state is going to maintain that that's not at all what they're doing. And I mean,



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ultimately, that's what's going to happen. So with this Jerry Rivers thing, I just wanted real quick, remind me what he did, like what he is accused of, what he's pleading guilty to.

[00:51:18] **Eric Bland:** He was a drug—it was drugs. And remember, there was this, Cory Fleming was being arraigned and they arraigned two other people at the same time, and we were wondering, why in the same courtroom, remember? They've never connected that dot for us or connected the link.

[00:51:34] **Mandy Matney:** He pleaded guilty to obstruction of justice, money laundering, insurance fraud, computer crimes and distribution of a controlled substance.

[00:51:41] **Eric Bland:** Look at that. Computer crimes, insurance fraud, money laundering and obstruction of justice, and that guy's not a lawyer. And all the lawyers, and Russell Laffitte and everybody, did the insurance fraud, did computer crimes, did money laundering, did obstruct justice, and Cory gets to plead guilty to one count of conspiracy.

[00:51:59] **Mandy Matney:** Right. I mean, going back to what we were talking about earlier, which is you have to think about people and their economic opportunity. And chances are pretty high from it seems like this guy's economic background that he had, he didn't have a lot of choices besides crime, when it could, like, I just, I have a hard time even putting Cory and this guy in the same basket. A, because we've never known and I've seen—a lot of people are tagging me like, “Another Murdaugh co-conspirator goes down,” and it's like—I don't think, I think this guy just got loosely wrapped up into the very bottom of this, and he might be getting the worst end of the deal. Because that's how the system unfortunately works a lot of the time,

[00:52:51] **Liz Farrell:** Right, and there's no explanation for what these little entities that they had set up Jerry Rivers and Spencer Roberts in terms of what that was for. Where they, they were laundering money? What for? Where was it coming from? Who are they—how is that association? I need to know that before I can even wrap my head around a plea deal for him, but it is going to be interesting. Maybe Judge Newman can arrange for Cory and Jerry Rivers to share a cell in whatever sentence either of them gets.



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[00:53:23] **Eric Bland:** You're nasty. You're nasty.

[00:53:25] **Liz Farrell:** You never know, you know? I mean, there's got to be something. It's just, it's all too much. It's just I have Murdaugh fatigue like everyone else, and I keep, I think over the last week Mandy and I've both been reminded several times, that not only is this stuff over-like, I kind of, like Emily Limehouse said about Russell, you know, he committed more crimes than the cover up-I feel like more corruption's getting committed in the expediency. So it's like, in order to, because people want to move on and there's a lot of people who are probably breathing sighs of relief right now because the light didn't come to them, I don't know, something doesn't sit right about any of us to me. And I'm happy that there won't be a trial maybe, but at the same time, like you said, well, I mean, we could find out so much more during this trial and there's so many ancillary facts that we just don't know about things. So not only we're not going to get answers for Cory, we're not going to get answers for Jerry Rivers too, things that would have come out in trial.

[00:54:29] **Eric Bland:** I certainly would like to bring Alex back to the forefront on the financial crimes and know, when is he going to get his case tried? Is Judge Newman going, I'd like to know, is Judge Newman going to stay on to try those cases? I think the A.G. needs to push Dick Harpootlian and Jim Griffin. Remember, I get it that Dick's his lawyer, but Jim is an able lawyer as well. And the judge could say, "Look, you got a lawyer already. We're going to schedule these trials." And, you know, I've been dealing with Dick and Jim on the whole Satterfield motions to vacate the confession to judgment and they lost last week in the Nautilus insurance case, and I don't think they have any more moves really other than an appeal that they can do against the Satterfields. But I am really worried about this criminal appeal in the murder case, something happening on appeal and him not having a backstop of already been convicted of these financial crimes. I think it is very important for Alex to be tarred and feathered, not in the proverbial John Adams sense, but they need to suspend and button and belt and super glue and Gorilla Glue and cement everything they can against Alex, that he cannot escape from the jaws of defeat.

[00:55:51] **Liz Farrell:** It's a scary thought that he could have that decision overturned and I don't even want to entertain it right now.



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[00:55:57] **Eric Bland:** Yes, and there's no convictions.

[00:55:58] **Liz Farrell:** Right.

[00:55:59] **Eric Bland:** If it's overturned, there's no convictions on it.

[00:56:01] **Liz Farrell:** This is what I mean, there's just, there's so much more and it's like, you think that there's a conclusion, there's a mighty conclusion, and a guilty verdict and a guilty plea, and there just isn't. I mean, you look at Russell too, like, he got his report date in September. It was September 21st or something, right?

[00:56:20] **Eric Bland:** Where's he going? Do you know?

[00:56:22] **Liz Farrell:** I assume *Jessup*, right? Yeah, he's going to *Jessup*.

[00:56:25] **Eric Bland:** So, they listen to Judge Gergel.

[00:56:28] **Liz Farrell:** Well, I think they have that guideline is that you, I mean, you have to take into consideration the distance the family travels. I don't think they do that, like send them off to the hinterlands like they used to do anymore.

[00:56:39] **Eric Bland:** They sent Ted Kaczynski and all those other crazy criminals to that supermax place in Colorado. I'm sure the family got pissed off and said, "Gee, we'd like to see him."

[00:56:49] **Liz Farrell:** Sure. That was before there was some sort of reform that happened. I think as it occurred, like with COVID or something like that, but regardless, that's an interesting one. So Cory and Russell are going to be serving time together. Maybe their families can caravan up there. Yeah.

[00:57:09] **Eric Bland:** HOV lane it.

[00:57:10] **Liz Farrell:** Unbelievable.

[00:57:12] **Mandy Matney:** And we'll be right back.



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[00:57:20] **Liz Farrell:** So the last thing we want to talk about is something that we wanted to talk about last week, which is what happened in Marion, Kansas to the *Marion County Record*, which is a family-owned paper that's been around since 1869. And the man who owns the publisher and his mother, who was 98, she passed away a day after this happened, they are basically the victims of a Gestapo state, I would say, something that we've personally never seen. Well, I mean, I'm sure it happens, but not like this. There are so many facts here with this case. So the police descended upon this newsroom...

[00:57:55] **Eric Bland:** Community newsroom. This isn't a radical newspaper, you know, going to radicals or nationals. This is a community newspaper.

[00:58:04] **Liz Farrell:** Community newsroom.

[00:58:05] **Mandy Matney:** It looks, when I saw the photos and the video from the Rite Aid, it looks exactly like the first newspaper that I worked at, the *Lanesville Daily Guide*. Like the wood paneling on the wall, the desk just full of old newspapers, and it like, it just made my heart sad and angry and like we said, we've never seen anything like this. I've never seen anything like this before, but I've imagined it happening in my mind many times, particularly when we are working on the Murdaugh case starting in 2019 of like, what if police come in right now? I'm a very 'what if' person. I imagine crazy things in my mind all the time, like what is the worst case scenario right now? And I pictured if a cop ever would come into the newsroom, would I wrestle my phone away? And that's what happened with these reporters, like they had to wrestle their phones away. They had to give away their passwords. They had to give away their computers. It is horrific. It's every journalist's worst nightmare.

[00:59:07] **Liz Farrell:** They had their Miranda rights read to them. That's a new fact that I didn't know. That's terrifying. And the woman who had her finger hurt when the phone was wrestled away from her, it was because when they delivered the subpoena, they gave it to her. And Mandy, you remember from when we worked at *The Packet*, there's a protocol when a subpoena is delivered to a newspaper, and that is this: I'm not taking it. I cannot. I am not a person who can take this for the newspaper. So there's, there's somebody, you have to give it to the publisher and she's down here, that kind of thing. So she tried to do that and she said, I'm going to



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call the editor, meaning the guy who owns the paper, and he wouldn't let her call. They weren't allowed to make any phone calls. So he grabbed the phone from her so she couldn't call the owners of the paper to say this is happening. They were not allowed to make any phone calls, take any phone calls, and just seeing that one deputy taking photos of the reporters desk just gave me the heebie-jeebies. Just the idea of it. Because Mandy, I don't know if you guys in journalism school learn this, but I know that me coming up through the ranks of working with really older, old-timey journalists who've been through it, we were told not to save our notebooks. It used to drive me nuts when I would see reporters piling up their notebooks, like next to them at their desk and like, "Idiot. What are you doing?" You're gonna have all this information in there that they could just easily—now you can't say you don't have it. Like, what are you doing? So you and I talked about this a lot, but our text messages serve as a history, right, of what, of things that we're going through. But we were deleting our text messages in 2019, between us and our sources, because we were, we just didn't know. We didn't know what was going to happen to us, as we continue to cover this case, what kind of tricks they would be up to.

[01:00:49] **Eric Bland:** There could be a warrant for some of your sources that you don't know about, and so your text messages are getting intercepted on a warrant. And, you know, when you're texting with sources and everything, it's just, it's very scary, you know? Obviously, you know, in the Greg Leon case, you guys remember the SLED sent somebody into Dick Harpootlian's office with a wire to wire him while he was meeting with witnesses. Dick Harpootlian didn't even know that they were doing this. So anything can be done, but this is a police state type of execution of a warrant that scares. It's against the First Amendment, it violates all type of search and seizure, I believe, protocol. And some of the things that I'm hearing people talk about, "Well, it's okay because, you know, there was an identity theft originally done to get into the computer," you know, was...

[01:01:46] **Liz Farrell:** And that's a dispute, so that's not even. So basically the woman, in order to get—so basically, the drivers records are confidential in Kansas, right—so in order to get that record, she had to put, she put her in her own name, the reporter put in her own name. And then she had to put the name of the woman whose record she was searching, and she had her driver's license and her date of birth per the source that sent it to her. At no point, she says, was she told that she couldn't do that that way. She wasn't pretending to be this council person. Yeah, she was



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accessing a public document the way one would with the information one has, so that is in a dispute. And it's important because the Kansas Bureau of Investigation is saying that they're not, it doesn't sound like they're investigating what the police did. It sounds like they're investigating what this reporter did to get that information. And the idea is, and when we talk about reporter shield laws, Kansas has one, not a very robust one, but they have one, and it protects your sources. It protects your, you know, the information you collect as a journalist and protects you from testifying to a certain degree. So the idea, and there's two different things going on, you have the idea of this identity theft, or what they're calling an identity theft, but then you have that these guys just wholesale took everything from that office and from this editor's home that now contains all this information that is protected by that reporter shields law. So there's like...

[01:03:07] **Eric Bland:** But there's also other protected stuff in there. They took the entire computer system. They didn't segregate out just for this specific investigation. This could be investigative journalism. You're working on a story or Mandy's working on a story that hasn't broke yet. You have a whole bunch of different sources. You know, one of the dirty little secrets here is that this police chief washed down. You're gonna hear this, it happens all the time. If you look at local police agencies, police officers don't graduate up. They don't go from Seneca to SLED, SLED to the FBI. What you find in a lot of these agencies, police washed down. Started in Greenville, Seneca, went to Clemson. So...

[01:03:56] **Mandy Matney:** Yeah, and it, as the story progressed last week—and I'm from Kansas, went to the University of Kansas School of Journalism, so I've been very invested in the story—yeah, and I want to the reason why I want to talk about it today is because you see stories like this sometimes, and like everybody focuses on it for like five minutes, and then it fizzles down and the good reporters have to go on to new things. And I just really hope that these reporters, there's really good ones—one's name is Jessica McMaster, everybody should follow her on Twitter. She's a TV reporter, and she's done a phenomenal job just digging and digging in last week—and I hope that they don't stop. Everything that's come out has been just stereotypical about, like, what happens in small towns that are hiding things? Well, all the officials involved seem to have a lot of dirt on them and seem to have a lot of secrets that they're hiding and they double down and they try to create a chilling effect so that they can bully the newspapers and bully any journalists who dare



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question them, and that is where the slippery slope starts. And that is where it gets really scary, because you, people like that will stay in power if we don't have journalists to stand up to them

[01:05:12] **Liz Farrell:** For Kansas, I think, you know, I want to mention that the Society for Professional Journalists has donated \$20,000 to the legal defense fund. They were closely following this case, as is the investigative reporters and editors, and the Reporters Committee for Freedom of the Press as well. So those are three very important professional organizations that I think even if coverage of this starts to dwindle, I think they have a very big and important interest in this. And I want to say that the Reporters Committee for Freedom of the Press, if anyone is interested in going and learning more about what, how reporters are protected and what's being done so far, you can go to their site, because they have there, they outline what each state how each state protects reporters and freedom of the press. And I think it's important for people to be in touch with that. That's one way you can be pesky, is to actually know how reporters are being supported by their state legislatures and the law. And then additionally, did you know that in response to this, that newspaper got 4000 new subscribers digitally, which doubled their regular subscribership. So that's another way you can support when you see something like this happening, even if you do not care about the Marion County news, supporting them through an annual subscription, you know, even if it's for just a year or so, is one way you can help out in these times and speak up.

[01:06:33] **Eric Bland:** This seems like they were more concerned about what information they have about governmental officials in their records and investigations than an actual crime committed. So to me, it's using a court to get a search warrant for improper purposes. Not to solve a crime, but just to find out, "I'm the new police chief, who's being investigated?" Don't you think, Mandy? It's not about the crime. It's about the information that these journalists have.

[01:07:03] **Mandy Matney:** Yeah, a couple of things here. So it was very interesting that it took a really long time for them to produce the affidavit as the reasoning for the search. And when they finally did the, because everyone's like, what's the crime? Like, you have to have a crime to have a search warrant. What is the crime? And the crime is my personal favorite, and I always ponder South Carolina, called computer crime. And in Kansas, it's something a little fancier, but in South Carolina, it's called



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Computer Crimes. Essentially, it's using a computer to commit a crime. I've never seen it stand alone, because it shouldn't, because it should be about the crime that you're committing, not the fact that you're committing it with a computer. So it seems like they were kind of backtracking on figuring out what the offense was. And they were like, "Oh, they used a computer, so it's a computer crime." And that's horrific. B, Kansas should consider, like it should not, this whole thing had to do with whether or not a woman had their driver's license and previous DUIs. It should, that should not be a secret, I don't think, whether or not somebody had a DUI and has a driver's license. I don't think that that should be public record. I don't think that that should be something that all, like the KBI seem very concerned that this newspaper hacked into this.

[01:08:34] **Eric Bland:** What's the privacy of a DUI?

[01:08:36] **Mandy Matney:** There should be none.

[01:08:37] **Eric Bland:** If you got a DUI, you should be outed. You should be put to the public square.

[01:08:41] **Mandy Matney:** Great point, Eric, because the judge, the judge who signed the warrant, has two previous DUIs and crashed into a school, I believe. Right, Liz?

[01:08:53] **Liz Farrell:** Yeah, it was something like that. Essentially it didn't get prosecuted, the second one, but the two counties where these two DUIs allegedly occurred didn't speak to each other. So it was like within six months, I believe of the first one—which is a big problem when you have a second DUI come in such proximity to the first one because it shows that you haven't straightened up—so somehow, this woman who was appointed to be a magistrate, just two years out of law school, so this isn't somebody with like a lot of world experience who like earned her position, she is somehow involved with Kansas politics, and this is how. But that's where these, like when we talk about crime meeting corruption, this is where it occurs. At the magistrate level, at the lower level, you know? This council person is a restaurateur and she was seeking her caterer's liquor license at the time of this. So obviously, a DUI would be relevant to that. The newspaper didn't even publish this information, by the way. It's unpublished information, research that they had done. They didn't publish it until she said during a meeting that she had a suspended



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license. So she outed herself and in an attempt to, I guess, to preempt whoever the source was that was sending it, not just to the newspaper, but also to other council members, including the vice mayor.

[01:10:08] **Mandy Matney:** The final point of this that I really want people to understand is, if you feel very helpless about a situation like this, if you feel like things are spiraling out of control, the good news with the way that our system is set up is that we pay these people. The police chief in your community is paid by you, you are technically his boss. We need to start empowering citizens to speak up in their own communities, make noise, be pesky, and don't stand for this. Like I put this on Facebook the other day, "Marion, Kansas, you are paying this guy out of your tax money. You don't have to. It's up to you and the citizens in your town to put a stop to this and to put this police chief on notice and to send a message to the world that we will not tolerate this in the United States." And that's what I have.

[01:11:03] **Liz Farrell:** For them to do it to a newspaper, where it's foreseeable that there would be a larger impact for them doing that, right? There's going to be a lot of outrage, but they're going to get a lot of people from the outside amplifying this even. For them to do it to a newspaper shows you that they would think nothing of doing this to an ordinary citizen, just somebody who you know, I in my reporting over the years and just in working for the sheriff's office and knowing law enforcement sources for so long, there are things that go on and have gone on that you just can't believe. And it can be cops using their databases to look up the license plate of a woman that they think is hot, so they can find her address and happen upon her. There are things that, I mean, these are things that get prevented throughout, you know, once they discover that guys are doing this, of course, but those are the kinds of things that you see. You see dirty cops doing dirty things, and there's nothing to stop them from sitting outside your house or getting a stupid warrant that has...

[01:11:57] **Eric Bland:** Getting a search warrant to go to your therapist, go to...

[01:12:01] **Liz Farrell:** Right. That has no probable cause. You need probable cause.

[01:12:04] **Eric Bland:** When is the psychiatrist's records going to be invaded because they want to find out about somebody, what is the saying to a psychiatrist? When are doctors records, physician records, going to be invaded because they want to find



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out what medication this person is on? It is the natural evolution. Once you cross the Rubicon to break the First Amendment and to search and seizure laws, there's no stopping.

[01:12:26] **Liz Farrell:** That's absolutely right. So it's very disheartening that Kansas has a Bureau of Investigation that doesn't see where the actual crime has been committed here. The idea that somebody committed identity fraud to get a public record is laughable to me, and I would love to see what other crimes are going unsolved in Marion County because they're too busy with this dumbness.

[01:12:45] **Mandy Matney:** And in Kansas. The KBI is the equivalent of SLED there. And again, I'm, I'm thankful for SLED in this moment, because I can't picture a world where they wouldn't be deeply, deeply concerned about that and want to investigate it. I really, really do. And the fact, immediately the director of the KBI defended the Marion police and said something about like, "Media can't be above the law." Well, what about cops? That's more important. Cops have the ability to take someone's freedom away. We need to take that very seriously. And if they are doing that loosey-goosey without even a probable cause or an alleged crime, then the world just keeps spinning out of control and we've got to stop it. All of us have to be deeply concerned, all of us have to keep making noise, and the KBI has got to take not not the newspaper alleged crime seriously, but they need to take the, they need to take the raid seriously. And they need to investigate that and they need to bhutan end and send a message to other police departments that they can not do that. And speaking of doing something, and standing up for what is right, we have a special guest. We're going to play a little clip. I got to talk to a 11-year-old Josie Duda and she's from South Carolina, and she noticed that there was no women on the South Carolina Supreme Court. And what did she do? She did something about it. She wrote a petition and got her friends at school to sign it, and some of the boys didn't sign it and we talked to her about that, and she sent it to her local state senator. And Josie is very inspiring because she figured out that she could have power in her own voice and I can't wait for you guys to hear the entire thing, for LUNASHARK premium members only.

[01:14:40] **Mandy Matney:** Tell me about why it's important for you to see women in positions of power?



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[01:14:48] **Josie Duda:** It's because I will want to be, if I want to be somewhere in a place of power when I grow up, I can see that it is possible because people are already up there. So I just have to work really hard, and I will be able to get up there.

[01:15:08] **Mandy Matney:** Yeah, and I think it sends a message to young girls like you when you see some of the most powerful individuals in the state all in front of you and they none of them look like you. They're all men, they're all older men. And it sends a message to the boys that they can be like that and that they can be, they can do that one day, but what does that say to the girls?

[01:15:34] **Josie Duda:** Yeah, cause there's like 52% of South Carolina's is women, but the 52% of South Carolina doesn't have that role model up there.

[01:15:48] **Mandy Matney:** Yeah, I love that. What do you want to be when you grow up?

[01:15:52] **Josie Duda:** I think it'd be fun to be a lawyer because of all the—I enjoy arguing and debating and disagreeing with my brothers. And I think it's fun to learn the law behind it all.

[01:16:09] **Mandy Matney:** And what is next for you, Josie?

[01:16:13] **Josie Duda:** I just want to get the word out, and then I want young girls and everyone else to know that they can be whatever they want, and they can say something if they don't agree with it.

[01:16:35] **Mandy Matney:** Josie received a response from her state senator and it was interesting. I won't put words into Josie's mouth. I want you to hear it from her, but I don't think he understood what she was saying. Nor did I think that he took the appropriate time to teach a young girl the importance of using her voice to change an issue that she cares about. There is so much more to this interview, which I love. And I can't wait for y'all to hear it on LUNASHARK premium soon.

[01:17:07] **Eric Bland:** I guarantee if you follow this young girl's trajectory, she's going to be somebody and she's going to inspire her classmates, and this is how you create leaders of tomorrow. This is, this is it. This is beautiful.



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[01:17:20] **Mandy Matney:** Right, and it's just, it's really inspiring because she realized that her voice could be more powerful than her local state senators. She got on the front page of her newspaper. She did all of these things and she's just a little girl. And so, we all need to take that little peskiness that we learned from Josie and apply it to our own world. And in that, cups down everyone. That was a great show.

[01:17:44] **Eric Bland:** Great show, boy. Cups down. Serious, man, we covered some territory today.

[01:18:01] **Mandy Matney:** This *Cup of Justice* episode is created and hosted by me, Mandy Matney, with co-host Liz Farrell, our executive editor, and Eric Bland, Attorney at Law, aka the Jackhammer of Justice. From LUNASHARK Productions.

CUP OF
JUSTICE