



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:00:04] **Mandy Matney:** Hello and happy Tuesday. Just a few days ago, Dick Harpootlian stood in front of Judge Clifton Newman, and with a straight face, wined, yelled and stomped his feet about podcasters, i.e. us, and how we are the reason that Alex's state trial on his financial crimes shouldn't be scheduled until next fall. It was a full circle moment for Dick, because almost exactly two years ago, he was all swagger in the courtroom, joking in front of reporters and making sexist remarks about me, belittling the idea of me and my reporting. That day, he had the demeanor of a man who believed getting Alex Murdaugh out of trouble was going to be a walk in the park, a mere formality, something he could do by pulling the same strings he has pulled for decades, and made millions of dollars off of doing. I've never been happier to say that things are hitting a lot different for Dick these days. Last week's triple hearing was a testament of just how much the world has changed over the past few years for the Murdaugh dynasty and everyone in their circle. Cory Fleming was sentenced to 10 years for the Satterfield heist and 10 years for what he did to Pamela Pinckney, who ultimately served less than 14 years for everything, but this is still so much more than anyone thought he would get, including Cory and his team. Alex Murdaugh was assigned his state trial date, which interferes with his strategy of getting into federal prison, and the South Carolina justice system made it clear they weren't playing the federal government's games. Needless to say, Liz, Eric, and I could not wait to record this week's episode because of how much there was to talk about. And in today's episode, Lunashark members will hear a special conversation about trends in criminal sentencing and the jury tampering accusations in which EB has entered the fray on behalf of four jurors. Plus, *Soak Up the Sun* members will get a special treat this Thursday at 7pm when we broadcast a special happy hour between my co-author Carolyn Murnick and I. It'll be pre-recorded since we will be in Charleston for the hearing, but Carolyn and I will be in the chat to answer questions. Our book, *Blood on Their Hands*, arrives November 14th, but pre-sales are so important. Go to bloodontheirhandsbook.com to learn more. And last but not least, *Cup of Justice* just turned one year old this last week, and I cannot imagine a better celebration than getting to discuss last week's epic hearings. So let's get unpacking. Cups up.

[00:03:01] **Liz Farrell:** Cups up.

[00:03:01] **Eric Bland:** Cups up.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:03:03] **Liz Farrell:** There's something to be said about getting the most annoying part out of the way, and I think we're going to do that. Mandy, let's talk about the handshake.

[00:03:11] **Mandy Matney:** So we're just gonna get right into it.

[00:03:14] **Liz Farrell:** I think we should. I think that this is the thing that's been boiling over. Well, it's honestly the most shocking, like the more and more we get away from the hearing, the more that it's setting in just how wildly inappropriate it was.

[00:03:29] **Mandy Matney:** Okay, so at the hearing this week, which we knew it was going to be insane, let's just start there. Like Liz and I the night before were like, "We have this feeling." It's like, what did you call it? Criminal eve?

[00:03:44] **Liz Farrell:** Yeah, crime-mis eve or something, or criminal-ness eve..

[00:03:49] **Mandy Matney:** Crime-mis eve. Yeah, cuz the trio of idiots. Gonna be

[00:03:56] **Eric Bland:** I call them the Holy Trinity.

[00:03:57] **Mandy Matney:** The Holy Trinity. Yeah, they were unholy. Yeah, the very unholy trinity. So we knew that it was gonna be crazy and it immediately just started out as nuts, where like apparently Russell had something to get to later that day, so they had to do Russell's first.

[00:04:16] **Liz Farrell:** You know, someone said that, but then I was thinking I remember Mark Moore making a huge deal about his scheduling the last time, which seems to be his MO, so I'm wondering if it was Mark Moore that actually had something that he had to get to.

[00:04:29] **Mandy Matney:** Right, because Russell's on house arrest, like...

[00:04:37] **Eric Bland:** I have some weeding I have to do

[00:04:39] **Mandy Matney:** So and then of course Mark Moore was his normal, extremely annoying self, and that just started right off the bat of just like, oh God, this is gonna be a long day. And then they parade Alex Murdaugh in and he looks rough. I



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

just want to say that, like Alex got, he looked like a hardcore criminal who has been in jail for a very long time. And not only that, but they had him on what I've never seen before, which was kind of a leash-type thing. Like, he was handcuffed together, but the deputy wasn't necessarily restraining him physically. He had a leash and he was like a little bit back from him. And it's really funny that like, I didn't notice that at the time. But anyways, just setting the scene for that.

[00:05:37] **Eric Bland:** He has his Sunday shirt-suit on, you know. He had a really bright new fresh orange jumpsuit, which shocked me. I thought they would give him the old attire the week, but he he had his Sunday best on.

[00:05:50] **Mandy Matney:** He had his Sunday orange best, and yeah.

[00:05:54] **Liz Farrell:** Before we say it, you have to mention this guy had more security with him than I've seen in a long time with a prisoner. And they were the state special operations team. So it wasn't just like SCDC staff, or maybe they were the SCDC staff, but it was the sort team. And those are, those are like snipers, and you know, I don't know if it was like to protect Alex or protect the rest of us from Alex, but just picture this guys. He had a bevy of security officers that weren't just your normal average hourly-type prison guard. These were highly trained highly specialized law enforcement officers that were with him and he had a leash. So picture all that and then this happens.

[00:06:44] **Mandy Matney:** And then he goes to the defense table, he walks to the defense table, and to get to the defense table, you know, the circle of idiots is behind him so, Rutherford's team is directly behind the defense table, and they all have to stay, they all have—maybe they had to stand up, I'm not really sure, for Alex to get by—but Todd Rutherford not only stood up but greeted Alex with the most fanboying smile in the most giddy, oh my god, I'm so happy to see you, ahhh. Even Mark Moore knew to stay away, did you? Mark Moore kind of like stepped off, even that...

[00:07:29] **Eric Bland:** Would you touch his hands? He's in a holding cell 24 hours a day. I'm not gonna get graphic, but would you touch his hands? Okay.

[00:07:38] **Mandy Matney:** Okay, but not only that, but like, like Liz said, like the amount of team and security that he had around him, and then they let him just get handsy with the politician, like immediately, right off the bat. And again, it just, it speaks to the weird nature of Alex, which is like, he, they're treating him like the most



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

dangerous case, they make the appearance like he's the most dangerous criminal out there, but then they have, he's got an actual long leash, that they let him mingle with the commoners, and that was just, it's not the commoners, our politicians, people representing the state of South Carolina. A lawyer who elects our judges. So he is known, he is one of the most powerful lawmakers in the state of South Carolina and he gets voted in by the people, and for him to make that symbolic gesture of I can stand up in front of the world, greet Alex Murdaugh like he's a superstar celebrity, and I can still win my election next year because nothing matters here in South Carolina, that was a huge moment. And again, it just kind of keeps seeping in of like, how much power does Alex still actually have from jail, but Todd Rutherford would go out of his way to do a handshake like that, and what is going on here? What did you think, Liz?

[00:09:08] **Liz Farrell:** Well, the thing that I found the most disturbing is, did Todd pass them something? I mean, you have all the security around him and it's a huge breach of security that somebody has now put something, you know, in his hand. He put his hand in his hand, we know that, but did he put anything else in his hand? And I hate to accuse you know, I don't know, obviously, but it's weird to me that that was allowed because it—let's just go back in time for a little bit here. When the Price stuff came out, Todd Rutherford did not officially have any, I mean, he was not associated with the Murdaugh case in any way other than he's a powerful Democrat, and Alex Murdaugh is a purported Democrat, not an actual Democrat. I would argue that later, but this is a guy that had no sort of paper trail of a connection to Alex and yet this Gerard Price release keeps coming up. And in general like, well, what were they trying to achieve? Why were they trying to get this murderer out of jail so early with this new law from 2010? Like, what were they doing? Now seeing him shake his hand, I have to rewind and go back and say, after we've been saying this about you, that you—this is a little suspicious—that Gerard Price case happened, after you've been hammered in the press about it, then you go and shake the hand of a murderer. I don't even care if he's being polite at this point. I don't even care if it was about power or anything like that. What? You're not allowed to do that. It's just plain and simple. That is against the rules. So what are you doing? And why did no one stop them? And why are they not, I don't see any news agencies, other than the one you sent me from the UK, talking about this, but this was a huge breach of this massive security that they had for this guy that they put them in a leash. So, that's what I'd say.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:10:54] **Mandy Matney:** Yeah. And it's like, not only it's against the rules, but it's against societal rules. Like in society, we're all supposed to police ourselves, and treat murderers in a certain way, and not treat them like celebrities, and for one of our politicians, our most powerful politicians, to get up there in front of the whole world—and again, like you said, people in the UK thought it was disturbing—it's another very bad look for South Carolina. Eric, you were in the courtroom. What did you think?

[00:11:28] **Eric Bland:** That was disgusting. I was disgusted the way he was able to, you know, smile and talk. And, you know, it was only two weeks ago that Harpootlian and Rutherford had the harshest words for each other, and they were like, you know, Kumbaya, and then Dick starts rubbing Alex on the back. It was definitely a school day field trip for Alex, you could tell, you know, his eyes were wide, buggy and coming out like he was in the dark for a long time. The whole thing disgusted me, from you know, Harpootlian, the way he treated and talked to Judge Newman, and the way that he almost disassembled in front of our eyes, the whole thing was rotten to a core until we got to the professionalism of the Cory Fleming sentence, which was done the way you know the system is supposed to work, with professionalism and decorum. I thought Dick Harpootlian, it was like watching Willie Mays when he was at the end of his career and you know, he ran out the centerfield and tripped. It was like Michael Jordan when he played for the Wizards instead of the Bulls after, you know, his career was over. It was disgusting. I thought that the disrespect that Dick showed to Judge Newman was so palpable it was difficult for those in the courtroom to even watch. No I was disgusted.

[00:12:47] **Liz Farrell:** What was it like in the courtroom, though, like the vibe, what was the vibe like?

[00:12:52] **Eric Bland:** People were offended. They were offended by Dick. You know, obviously, on that side of the courtroom 50% of the attendees were for Fleming, so they thought that the sentence for Cory was going to be first and didn't realize they were going to do the status conferences first. Even Jim and Holly Miller were kind of coiling a little bit when they saw that Dick just couldn't stop. I mean, he was getting infuriated. Look, Mark Moore did the best he could to fall on the sword and say he would be ineffective if you made me go to trial, because quite frankly, I haven't read all the grand jury testimony, I haven't gotten through all the 40,000 documents, I'm not ready. But Dick just thought he was going to walk in there like he walks into every courtroom and say, "I can't do this until next fall," and then expecting that



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

every single judge would say, "Fine, next fall." Well, Judge Newman wasn't going to bite. And the more that Dick got aggressive with him, the more Judge Newman dug his feet in the ground and said, "It'll be the day after Thanksgiving when you have to try this case," and Dick was like, "Oh my god, I gotta go see my wife. I'm going to be, you know, overseas in Slovenia," and, "How am I going to get back?" And judge goes, "Well, that's your problem, man." You know, start preparing now and fly on Thanksgiving Day, so.

[00:14:11] **Liz Farrell:** You know his wife was watching that and she was like, "Oh, thank god."

[00:14:15] **Eric Bland:** No, but it was bad. It was bad. The whole just greeting Alex like it was seeing him in court, like I'm seeing a lawyer that I know from Florence and I hadn't seen him in a month, you know, the way we were yucking it up. Nobody was recoiling from him, and they should have been. He's a double murderer. That's it.

[00:14:35] **Liz Farrell:** This is why we need cameras in the courtroom, though. This is why it's so important. There's so much that would go on that otherwise would not be seen except by a very, very, very small contingency of people. That's what they're used to. That's why they act the way they do. They're not used to being watched and they don't know what to do with it when they are.

[00:14:52] **Eric Bland:** Yeah, good point.

[00:14:53] **Mandy Matney:** Okay, couple things. And before we move past the handshake and go into everything else, I was just thinking of this as, Eric you are pointing out that he was being treated different again, and why was he—and Liz too—like, why was he allowed to do that? And then I was thinking, it's all circling back to 2019 and that exact same courthouse with Paul Murdaugh, and when he was allowed to, what, oh, the bailiff started cuffing him. And then the prosecution got in the way and was like, "No, no, no, you don't have to treat him like a regular criminal." And it's so funny how so much has changed yet so much is still the same. And I think that they were giving him way too much leeway, and that's just so disturbing. And I again, and I'm just appalled at Rutherford, and not only his behavior there, but he was like smiling. There's so many weird pictures of him winking and smiling at Alex, and like looking at him in envy, and it was just, it was almost like he was like playing the fan girl role, like somebody told it. It was just very, very, extremely bizarre. But moving past that, Dick Harpootlian's behavior, I can't believe it, but the guy keeps



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

getting worse. Am I right? Like, I've never, I thought during the trial, like people said he was sick, and he was overwhelmed, and blah, blah, blah. And I know, we all know that he's getting older. But you would think after a summer off, pretty much, the guy would be a little bit more fresh. And...

[00:16:35] **Eric Bland:** He's been losing, he's losing. He's losing every single motion. He's losing in every single court. He knows that he has a judge that is not putting up with any of the malarkey, and is not giving him the favors that he's used to getting. And he knows that this judge doesn't like his client, because his client is a double murderer, and his client has stolen millions of dollars and disgraced our profession and hurt his clients. And Dick thinks that that's not going to affect decisions that are being rendered, and plus, he walks into court after having last Tuesday said that Judge Newman is in conflict, because he's a witness. You know, he's like putting words in Judge Newman's mouth when he was arguing and Judge Newman says, "How do you know what I'm thinking? How do you know that I'm going to retire and just walk off in the sunset, not stay on these cases? You know, you're presuming so much Mr. Hapoorlian," he said. And, you know, it was offensive. Listen, if I made that kind of presentation, one, my clients would fire me. Two, I would have been held in contempt. A judge would have held me in contempt like that. And for him to get away with that was disgraceful, but it's hurting his client. That's all it's doing. It's the whole strategy of the chessboard that they had walking in the courtroom just got blown up when that trial is scheduled for the day after Thanksgiving, because the way he pleads guilty in six more days doesn't help him, because he can't get sentenced until the PSR comes in. So now he could end up going before a state court jury and get convicted and the sentence is immediate in state court.

[00:18:13] **Mandy Matney:** Yeah, I love that. I love that. It's glorious. Yeah. A question I had for you, Eric, was is it normal for guys like Mark Moore, and I mean, Mark, Mark Moore and Dick Harpootlian's behavior was different, but Mark Moore, what I was just kind of shocked by is that we've seen him a couple times at this point, and all he says is I didn't do my homework. That's the only excuse there. It's not my dog ate my homework, it's just I didn't do it. Do lawyers do that a lot? And like are able to? So what's with that?

[00:18:54] **Eric Bland:** No, when you take on a client like Russell Laffitte, you know that there's multiple legal matters and multiple legal courts. By the way, he's in one of the largest firms in the state, at Maynard Nexsen, formerly Nexsen Pruet, and he's got a team of associates and a team of partners he can bill out the wazoo. He knew



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

that these trials and charges were there when he took over the case. And even Judge Newman said, "Mark, didn't you come on this case in April," basically, "what have you been doing since April?" And he goes, "Well, we're working on the appeal." And, you know, if I was judging him, and I would have followed that up with it, "Yeah, so what?" You're also knowing that there's all these other charges, and Newman said, "Have you even read the grand jury transcripts," and he had to admit, "Well, I've read some of them, but not all of them." You know, he's not the only one at that firm working on that file. I can tell you that. It's it, that's not how those firms work. They fly in formation. It's like five airplanes side by side. He's using the I'm busy, not ready excuse to extreme. And Dick doesn't seem to be able to get a good colorable argument out of his mouth without being offensive. I mean, the lawyering was horrific. If you want to see a good lawyer, watch Debbie Barbier, listen to her tone, listen to how she organizes her thoughts and how she, you know, strategically moves along in her arguments. That's a lawyer. That's a lawyer. You know, when you hear Justin Bamberg speak, when you hear Creighton, I mean Creighton right now is six feet three in my eyes. Every time he talks, he's like the tallest guy in the courtroom. There was real lawyers in there, and then the high-price lawyers, or the lawyers that you think are the lawyers, they're doing a horrible job by their clients.

[00:20:43] **Liz Farrell:** It wasn't just that Mark hadn't done his homework, he still hadn't done his homework. So in April, I don't believe he was fresh to the case. It was Todd who was fresh to the case. So Mark had time between November or whenever he got hired in the aftermath of the verdict. And again, it was Mark at the last hearing, which was in August, doing that same tap dance, which is like, "He's got a doctor's appointment. I can't do it." Because in my mind—I don't know if he said his mother this time, but I feel like he said it at least one time—it's just there's always something going on with him and I don't know how. I'm going to be honest with you, like I watched the hearing, and then when I went to write the episode with Mandy that night, I was actually surprised that I had missed that there wasn't a court date set for Russell. I thought for sure there had been one. But I was like, I'll be darned. Mark Moore's "I still haven't done my homework" excuse worked. So he gets six more weeks.

[00:21:39] **Eric Bland:** 30 days. He bought himself 30 days. Judge said we'll re-address in 30 days.

[00:21:44] **Mandy Matney:** And what is Rutherford actually doing there besides trying to delay it? It seems like their tactic, the only thing he ever says is, "I can't do it



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

because.” Like, I'm not convinced that he's there for any other reason besides just to delay it. And again, and we also have to consider these guys want to delay this as far as they possibly can, because they don't want Newman, like Russell especially after Thursday, does not want Judge Newman deciding his case.

[00:22:20] **Liz Farrell:** Can you imagine? Like Russell Laffitte just has stayed out of prison for almost a year now. He has...

[00:22:29] **Eric Bland:** Scrumptious Laffitte. Russell “Scrumptious” Laffitte. Not Lucius, scrumptious.

[00:22:34] **Liz Farrell:** Scrumptious. Why are we calling him scrumptious? Is that

[00:22:39] **Eric Bland:** Just cause the country club, the whole country club atmosphere and trying to put that in front of Judge Newman. Can you imagine if he did the Russell TV show? And the (inaudible) that he did it, the trial in federal court in front of Judge Newman? Judge Newman's head would blow off.

[00:22:53] **Liz Farrell:** Oh, my God. Well, you know what, that's a good transition to another aspect of this, which is Judge Newman did not defer to the federal government on anything. And it opens up a completely new way to look at the federal government, in my eyes. It exposes the federal government for this gentle treatment that they gave to Cory, now Alex, and also Russell.

[00:23:30] **Mandy Matney:** When we were watching it on Thursday, you know, I had a, I had a huge level of appreciation and respect for Judge Newman going into this, but I was blown away by him on Thursday. He went wildly beyond my expectations of being a good judge. I was amazed by his quick wisdom, his ability to sit back so gently and just destroy people. He gently destroys in a way that like, has got to be so painful, and he's just such a respectable person that him calling Cory's—what did he call Cory's crime? Unprecedented, unimaginable...

[00:24:17] **Eric Bland:** Worst he's ever seen.

Mandy Matney:24:18 It had to have hurt really, really, really bad for Cory to hear that from somebody as highly regarded as Judge Newman. And throughout the day, I was just very proud of our, of the state of South Carolina for, I mean, we've seen this tug of war between the feds and the state this whole time for Murdaugh cases, and



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

on Thursday, it was finally like this is where these cases belong. We know that for a fact. And this is how, this is how we can handle it here. And I was very proud of that.

[00:24:53] **Eric Bland:** Yeah, he uh, what he said, and it was really more in the Cory sentencing arguments where he said, "I am a sovereign judge in a sovereign state. And these are charges that are brought by the state of South Carolina and not the federal government." And while I do have tremendous respect for Judge Gergel, I didn't even read his sentencing transcript because it doesn't mean anything to me. It's what's before me. So any deal or anything that you did in federal court, that's fine. I'm here to deal with what's in front of me. And like I said when I argued, Cory pled guilty to every single crime and every single element of that crime and every single fact that backed up every single element of the crime. And so what Judge Gergel had hoped for was that he gave Cory 46 months and then said from the bench, "It's my hope that Judge Newman will take this as a serious sentence," and that that would be enough. And then further said that I want, you know, I would like Cory to be as close to, you know, South Carolina, where he serves his time, just like he did with Russell Laffitte and said he wanted him to be in Jessup. And once we heard that Russell's going to be in Coleman, which is five and a half hours away, everybody started to say, wow, nobody's really listening to, unfortunately, Judge Gergel. The Bureau of Prisons didn't listen to Judge Gergel, they did their own thing with Russell Laffitte, and Judge Newman wasn't going to have anything to do with being brought in and compartmentalized to say I have to fit in with the narrative that the federal government brought these charges first and got the conviction first against Cory Fleming, and I'm just going to tag along. He said, "Look, whatever you did in federal court is fine. Here's what I'm doing. You're getting this sentence." And it showed the sovereignty between South Carolina, the federal government. There's always that tension, you know, when there's an investigation, and the feds walk in. They tell the locals, "You stand down." Well, you know, Creighton Waters isn't standing down and Judge Newman isn't standing down. Creighton Waters is not playing ball with the federal government.

[00:27:04] **Liz Farrell:** This is significant. I think we need to make that clear, because it's obvious to us that Cory, his legal team, Russell, his legal team, Alex, obviously, and his legal team really, truly seemed to believe that the federal government would be their parachute out of this trouble, to some extent, right? And I don't mean like they had some deluded thought that this would happen. I think that there was very good evidence that they were right, and that if this didn't have such a spectacle on it, or so many eyes on it, they would have gotten their way. If people weren't watching all of



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

this happen and calling into question the maneuvering and these, you know—we look back on the federal trial, and I know, there were moments there, where I saw the prosecutor Emily Limehouse go for it. She didn't hesitate. You look at her responses to their emotions. She went there with them, especially with Russell—so it surprised me in the end to see how easy they went on Cory. And not only how easily went but how Judge Gergel was sending a dog whistle to the state of South Carolina like, “You will follow suit.” I can't tell you to do it. But I'm telling you to do it. So does that change anything for you guys in the way of how you consider Cory's strategy in particular? He got there, he had, yeah, he had one charge. So he was able to get one charge under the federal government, but was just pleaded guilty to 23 charges that warranted him such a vastly different, I mean, it's almost what a four times the five times, almost five times the amount of the sentence that he got from the federal government, so bad gamble, I'd say.

[00:28:43] **Eric Bland:** When we left the courthouse to go to lunch, there was the lunch break, there was somebody from Cory's team—and I can't give you the name—but that person told me that he thought he had an understanding that Judge Gergel and Judge Newman talked, because I said based on the questions I'm hearing, boy it sounds like Judge Newman might load them up. And this person's like, “No, I don't think so. I think that Judge Newman and Judge Gergel talked and it's all going to be fine.” Well, when he started with his questions, and he started this a the story of the sad story of the Teacher of the Year who had their disabled child in the car with the 139-degree temperature and the child died, and this was a one act from a lady that is, you know, a highly accomplished educator, you knew he was going to get loaded up. And I looked at Debbie Barbier's face, and I'm telling you—I said this before, September 14th, I saw her face like, man, am I sure I really should do this, plead him straight up to all these charges? Remember I told you guys that? Hey, I just looked at her face and it just, there was some questioning—but she was pale as a ghost when Newman was talking and she realized this is not going to be a concurrent sentence where he gets three years in its concurrent with federal time. And I'm telling you guys, on second thought she, you know, I don't want to question her judgment, you know, if he went before a jury he could be convicted anyway, you know, you heard it was 125 years. I'm not sure he would have gotten such a worse sentence even if it'd gone before a jury and getting convicted, because to go before a judge and say you agree to every single crime and every single element, and when Creighton pointed out, really only pled to in federal court was \$112,500 on one count of conspiracy when there was so much more, you saw in Cory's face and in the



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

lawyers faces at that table like, oh my God, what did I walk my client into this buzz saw for?

[00:30:46] **Mandy Matney:** Right, I was just thinking about that too. The meltdown of Debbie and her face, we saw it kind of several times, because throughout Cory's hearing, Judge Newman and Creighton made it a point to say over and over, "This is not federal court, they play those games there. We do not play those games here." And you could kind of see the light go out of her eyes and her just being like, uh, sit back, and she was a different Debbie. Way vastly different from what we saw just a few weeks ago in federal court when she was like this is how it's gonna go. And it was also weird to see that she played the exact same strategy in state court as she did in federal court with the same people going up, the same stories, the same, we heard the same thing about the Christmas Day pipe being broken, and Judge Newman just was not buying it. But that makes so much sense. It all clicked together that his team really thought that Judge Newman was talking to Gergel and that it was all in the bag.

[00:31:53] **Eric Bland:** He missed something though. He missed something. Emily Limehouse made a mistake. She let them go first in federal court. And as you remember, he, you heard all of this good stuff about Cory in the courtroom started melding and you felt that, yeah, he may be a really good guy and this is a bad situation, that by the time that Emily got up, she deferred to us. And we started to try to talk and we got cut off because Judge Gergel said, "He pled guilty, he's cooperating, he's accepting responsibility." Now in the state court, the state went first. And so the steam roll of Creighton at six-foot-three going through the detail of those crimes, and then I got to speak, and my clients spoke, and then Justin spoke. By the time they got to Debbie, it was like Debbie was in the position that we were in in federal court. So the mistake I think that Emily made in federal court was deferring and letting the defense go first. She made that decision. She made that decision.

[00:32:58] **Mandy Matney:** Yeah, why would she do that?

[00:33:00] **Liz Farrell:** What do you mean mistake? Don't you feel like she went in there knowing that this was going to end with a pretty easy sentence? Like, it doesn't feel...

[00:33:10] **Eric Bland:** Well, she had the, she had the barriers, right? She had the guidelines, so she knew it was going to be somewhere between 46 months and 60.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:33:17] **Liz Farrell:** I think when you say mistake, it just feels like she, there was nothing for her to lose in having them go forward because she wasn't gonna fight it too hard. Which she didn't, she didn't fight it at all. I want to just say about Creighton really quickly here, like we talked about Mark Moore not doing his homework, Creighton not only did his homework, but he did Dick's homework. He did, you know, if I'm Mark Moore, I'm gonna be worried that he's gonna do my homework for me too. Like Creighton comes up and he is able to eloquently, no notes, just talking, extemporaneously about the ins and outs, the details, the numbers, the figures, but remember Ginger Hadwin got up. Am I wrong about this? She thanked Creighton for making it so clear.

[00:33:59] **Eric Bland:** Yes.

[00:34:00] **Liz Farrell:** So he not only is telling you here are the reasons we know he did this, he's saying like, he's giving the context of what Cory would have known at the time, or what this could have achieved, like what this achieved, and what he overlooked, like what he was obviously overlooking on purpose in order to do this thing. So you came out with a very clear story. You could picture in your mind elegant Cory having these conversations, you could picture them on the plane, you could just picture this whole thing going down. And it's not easy, once you're picturing that, to give the forgiveness that Cory required, I think. Right? Because you've now seen him in your head and you're like, "Wow, man, you did do that. And you did, you did have that knowledge when you did it. You knew what you were doing, for 10 years." For 10 years. And that was another thing. Not only, first of all Eric, Mandy and I want to just say, and I'm sorry to speak for you Mandy, but you did an amazing job. I'm so glad that Judge Newman allowed you to speak. We got to see what Judge Gergel was doing when he shut you up. We got to see exactly—and Judge Gergel is a smart man. He knew what he was doing by shutting you up. He didn't want that stuff on the record—so I'm glad. Judge Newman, I wish he had read the transcript a little because then he would have noticed that Cory read word for word his statement in federal court in state court as well. Which, you know, whatever it was a good statement, use it again, but I feel like if you know, you're going to be, this is the thing you don't want. You don't want a big sentence. So maybe dedicate your time in jail in the holding cell to writing a whole new statement that gives context to the thoughts you've had since pleading guilty in federal court, you know? Update it, update your resume Cory. He didn't do it.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:35:43] **Eric Bland:** Did you guys see my “oh shit” moment when all my notes fell on the floor?

[00:35:47] **Liz Farrell:** No.

[00:35:48] **Eric Bland:** Oh, yeah. They were on the ledge, and all my notes on how I was supposed to go, they just flipped over and went on the floor. And so there it is, I'm now gotta go you know, I just went, which I usually do, but yeah, it was funny. They fell twice, actually. The state, like the state victim impact lady, she picked him up for me. So it was so kind.

[00:36:11] **Liz Farrell:** You couldn't even tell.

[00:36:13] **Mandy Matney:** That was nice of her.

[00:36:15] **Eric Bland:** Hey, you guys are overlooking one major faux pas that happened at that hearing. The most embarrassing thing. When Dick was arguing, he said to Judge Newman, “Judge, they forced me to go to trial so quickly. And you know, they got all the advantage, and now I don't have the ability to get ready on this. I didn't want to go to trial.” And Judge Newman was like looking at him and all the sudden we're all sitting there saying, Dick made this speedy trial motion. Creighton pops up and goes, “Mr. Harpootlian, what in God's name are you talking about? You're the one that made the motion for a speedy trial. You're the one that wanted to go to trial in six months, because you didn't think the state was going to be ready.” And Dick goes, “Well, you agreed.” And so somehow, it was Creighton's fault that they went to trial so quickly, and they lost. I mean, Dick is losing it when he makes an argument that was totally his fault. Did you guys catch that?

[00:37:13] **Mandy Matney:** Yeah. Let's talk about the few. Like, that's what was so absurd on Thursday morning. And I was, it's funny, I was talking to one of my attorney friends last night, and he was saying how—he's a defense attorney—and he was saying how, as a defense attorney, you don't want your clients to be sentenced at the end of the day. Because you do not want a judge to just be sitting there and be angry, and there's been studies that if you're sentenced at the end of the day, that the judge is going to be a lot angrier and more irritable and give you more time.

[00:37:47] **Eric Bland:** Thanks to Dick. Cory needs to thank Dick for that.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:37:51] **Mandy Matney:** I know, so it was just kind of this symbolic karma that we saw with just Russell and Alex and all those idiots doing Cory no favors whatsoever. I mean, they were...

[00:38:11] **Eric Bland:** Yeah, Dick said, "Nice sense of humor, Judge," and Judge said, "I wasn't trying to be funny." I mean, it just, everything he said went flat.

[00:38:20] **Mandy Matney:** It was like, it was like, I'm trying to, Liz is better at analogies, but it was like teasing a lion on, just making them angrier and angrier and angrier. And by the time the lion gets to, like, destroy someone, he is ready to go. He wants to really bad and that's what happened. I mean, Dick Harpootlian and the amount of just wildly stupid things that he said, that it's like, have you just gotten away with saying this stuff isn't your entire career, and no one has called you out on you completely, completely saying conflicting things? Like let's, where do we start with? Speedy trial? Like he was, he was whining and whining, and it's like you're the one who wanted a speedy trial. Oh, yeah. And then he was, he was whining about Colleton and I don't want it in Colleton and we can't have it on Mars, blah, blah, blah, blah, blah. Well, guess who didn't do a change of venue?

[00:39:16] **Eric Bland:** Oh, and he also slammed podcasters, and his, his partner is a podcaster.

[00:39:20] **Mandy Matney:** Third thing. Oh, my God.

[00:38:21] **Eric Bland:** Excuse me. Then he says, wait a minute, in the public, in the spectacle of all this is disgusting, he can't get a fair trial. Well, Dick, you're the one that went in front of a gaggle of microphones a week before in front of the state house and you at a press conference. Talk about creating the press problem. You're the one that's creating the imagery problems for your client.

[00:39:43] **Mandy Matney:** As Liz, as Liz pointed out in this week's podcast, they are going to Crime Con. How can they possibly sit there and be like, "We're trying to be to try to play this by the books and everybody else is trying to get famous off of this." They had a documentary released this month. They had a press conference.

[00:40:08] **Eric Bland:** A documentary that they did filming on during the trial. They knew during the trial that they were going to do a documentary, so they filmed in private their attorney client stuff. Okay? All their work. And now they're going to



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

Crime Con, Jim's doing a podcast, you know, don't. Don't call the kettle black, you know? Come on, pot calling the kettle black.

[00:40:31] **Mandy Matney:** I actually saw, I think—is today the 16th or was yesterday the 16th? Today's the 16th—somebody tagged me in a tweet, and this is the two year anniversary of when Dick made his sexist comments toward me in court. Happy anniversary to that. I was just thinking about that, and just how absurd he looked then, and that was a big moment because that was the first time in court like he'd ever mentioned anything about, I'd never been mentioned by a lawyer in court before that point, and it really made me realize that I was a threat to him and seeing him wobble.

[00:41:11] **Eric Bland:** Look how much you've grown in two years, and look how much he shrunk in two years. :Look at the growth and look at the shrinking.

[00:41:17] **Mandy Matney:** Right. And seeing how him stumbling around court screaming about other people trying to get famous and podcasters, podcasters—he said podcasters with such a bitter spit coming out of his mouth. I thought he was gonna say our names because he was like, “Thieves! Podcasters,” and he didn't have to. We knew exactly who he was talking about, and my god, Dick. Like if he would just stop for a second and look at himself and what he's doing to his career, and I just don't under, I'm just a very, what is it called? Introspective. I think about myself and how I look constantly...

[00:42:03] **Eric Bland:** Introspective.

[00:42:04] **Mandy Matney:** Introspective. Like, I'm constantly, it's plagued with Catholic guilt my entire life. I constantly think that I'm doing things wrong, and I'm constantly checking myself. I don't really need a lot of people around me to check myself, but I have those too, but I police myself a lot and am always like, “Oh, could that be blah, blah, blah,” but him there's just zero logic whatsoever of how this looks. And maybe I said something completely different two weeks ago, and I just cannot believe that this guy has gotten away with this kind of behavior for this long. And the media is a part too, is a part of it. And that's what I said two years ago, when they all laughed, the media laughed along with “haha Mandy” (inaudible) and his sexist joke. They all cackled with him. And that was, to me, a huge moment of like, this is the problem. These are, they're all buddy-buddy with this guy. They're never gonna hold him accountable. They're just gonna laugh along with him. And what are they still



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

doing? They're still playing his games, and they're still laughing along with him, mostly.

[00:43:09] **Eric Bland:** What are your thoughts, Liz? What are your thoughts? I mean, Mandy's right. I mean, he has no self reflection at all. He's the kind of guy that walks out of there and smiles and says to the people with him, "Didn't I do a great job?" And you know, nobody has actually said to him, "No, Dick. You actually did your client a disservice in there and you dramatically hurt your standing in front of that judge."

[00:43:31] **Mandy Matney:** Do we think Dick is a narcissist? Like, what is his diagnosis?

[00:43:36] **Liz Farrell:** I don't know. It's hard. I don't like to diagnose people because I don't know, but I would say that, no. I think he's just, I don't know if he's a megalomaniac, or if he's somebody who has just been shaped by this system in South Carolina, which has just been so permissive to a certain group of people. So when you look at it, I will say I was happy that at least Dick did cite some case law, which I did not see from Mark Moore. That was nice. At least he did that. But I think he's just so used to, I don't know, he's just so used to maybe plan A working and not needing Plan B, C, D, and E. So as he gets past Plan B, he starts to come undone, and that just seems to be the pattern that I've been seeing with him. And one more thing I just, I want to say in the way of the permissiveness of the South Carolina Bar Association and the Office of Disciplinary Council and just overall just the way this all works, one, Cory is still listed in the bar directory. There has not been an order disbaring him. I don't really understand. Maybe there's something, I don't know, maybe when you give up your license because you've been found guilty you plead guilty to felonies, maybe that looks different. But I saw the Post and Courier wrote a story about Alex talking from prison for that Fox Nation documentary, and in this story—it's really well written, very well reported—it deals with the issue of free speech and it deals with the issue of well, what if prisoners need to talk about them being poorly treated or to restate their innocence? Like, is this right that we're doing it this way? It's an important conversation to have. But Jim Griffin's quoted in it, and he said that, so he got in trouble for allowing this conversation to happen to record these for the documentary.

[00:45:26] **Eric Bland:** What trouble? Whoa, whoa, whoa, whoa, whoa. What trouble?



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:45:28] **Liz Farrell:** What trouble? You're right. He got a, he got a stern little letter calling him out on his behavior and saying, "Don't you do it again little boy."

[00:45:39] **Eric Bland:** Okay. Correct. How about trouble is you don't get to come back. You could send another lawyer to do that, or we're gonna report you to ODC.

[00:45:48] **Liz Farrell:** Great point, Eric. 100%. Great point. But Jim is using the release of the jailhouse calls to us and to other media as an argument that the rule that prevents prisoners from talking to journalists is not something that can stand on its own. It's not, he said, it falls flat on its face, once you consider the fact that we got these phone calls, which I think again, we have another case of somebody not understanding apples and oranges and what those look like. But that said, I'm just, in reading Jim's comment, because I don't remember us having a really good response or hearing from him on his role in this, it just struck me again, just how much these two men and how much Alex, their client or their alleged client—I don't know who, actually I don't know who Dick and Jim are representing to be honest with you at this point. Because who is it? Is it Alex or is it somebody else who's trying to keep Alex from doing something—at this point, I just don't know. At what point is there a wall that they hit when they realize that the old ways are not going to work anymore? And are we deluding ourselves in thinking that the old ways are not going to work anymore? Because I really feel like Judge Newman has his finger in the hole of the dam right now. And that he is if he's removed from the case in any way, or if he, they have another judge, I can't name another judge right now, maybe other than his daughter, who I would feel comfortable with immediately. Like, the thought of Judge Newman being removed from the case does scare me because of how extraordinary he is, and how willing he is to not do things the old way, which these guys really, really need. They need somebody who's willing to do it the old way.

[00:47:32] **Eric Bland:** Yeah, they do. They need to walk in and just because they're legislatures or they're former prosecutors or they're former on the in-crowd, that they can just walk in and say, "Judge, I can't try this until the next fall," and the judge says, "Fine, continued." That's how it's done. That's how Dick Harpootlian has gotten to where he's gotten. Sure, he's tried a lot of cases. Sure, he's a very good lawyer, when, you know, early in his career, and later in his career, he's won some big cases. Big, big cases. But by and large, the day in and day out, is he walks in, and he's Dick Harpootlian. He, you know, he walks in, he creates a storm, everybody turns her head and says, "There's Dick, Dick, Dick." He makes a couple jokes with the judge, he goes back chambers, comes out, they go on court record, and the case is continued. And



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

Judge Newman is having none of that. He's not letting Dick back in the chambers before the hearing, and he's not yucking it up with him, and he's not laughing at his jokes, and he's sitting there stern-faced.

[00:48:29] **Mandy Matney:** I'm just amazed at, I don't know, all of this. But I wonder how these guys like teach their children just basic lessons of life, because I was sitting there on Thursday, and all of these grown men—oh, who get paid a lot of money, a lot of money for what they do—openly just being like, “I didn't do my homework, Judge. Help me.” And I'm just appalled by that because it's like, again, everyone with Mark Moore and Dick Harpootlian, they have no excuses for not knowing this case like the back of their hand by now. Half of the country knows this case a lot better than I think than Mark Moore does, because apparently he's read nothing. I just don't understand in that culture of just, do you teach your children to go to school and say, “Teacher, I just didn't do it. Just give me more time?”

[00:49:26] **Eric Bland:** Well, I would have been, if I was, if I was the judge, I would have said, “Dick, now let me get this straight. In seven or eight more days, you're pleading your client guilty in federal court to all the financial crimes, and you're in here and Mark Moore's in here saying that the state court financial crime charges are the exact same in federal court. So if you're pleading guilty in federal court in eight days, then tell me how you're going to trial on November 27th in front of a jury in our state, in our courtroom, and you're going to fight those charges. Why aren't you just pleading your client guilty there? You're telling me they're the exact same charges.” How is it that in federal court he's accepting guilt and responsibility, but on November 27th, because I forwarded your chessboard that you want to play about getting Alex into federal prison instead of state prison and getting the state court murder case reversed because of some alleged jury tampering that we're going to talk about, tell me how you're going to go to trial, when two months before he's pleading guilty to these very same charges? Can you answer that for me, Liz?

[00:50:27] **Liz Farrell:** I'm really impressed that you've pointed this out, because that's really smart. They play themselves all the time, but I don't always catch it when they're playing themselves. And this is obviously them playing themselves again. But going back to what you said, like with Dick...

[00:50:40] **Eric Bland:** Or is he now going to go back and not plead guilty in a, in six days? Is it...



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:50:45] **Liz Farrell:** Well, that's what I do wonder.

[00:50:47] **Eric Bland:** Yeah, now that the chessboard just got smashed, does he actually go before Judge Gergel and say, "Hey, we decided nope, we're not gonna do it."

[00:50:55] **Mandy Matney:** I probably, I mean, I wouldn't put anything past them. So the day went chaotic. It's really hard to dissect. Like we're all over the place today, because it was, it was an all over the place hearing. How long did it last? Like five hours? Seven hours? It was long, a long day, and just constant chaos from beginning to end. And they're, and I will, I also want to say that I give Debbie Barbier a lot of props for, even though she was in a chaotic situation, she handled it very eloquently and very respectfully and did the best that she could with the cards that she has. I have a friend who's a lawyer who says, "I'm a lawyer, not a magician." Like, there's only so much lawyers can do at some point. And...

[00:51:54] **Eric Bland:** We don't make up the facts.

[00:51:56] **Mandy Matney:** Right. I think that she was just cornered and there was nothing that she could do. And that makes sense that she was kind of blindsided and thought the judge was gonna go one way. When Judge Newman started talking, he gave several signs that it was not going to go well for Cory, he talked about this is kinda like a funeral. That was not a good sign for Cory. He talked about when he compared his previous case in Beaufort, which was a child dying in a car. We all knew that that wasn't going to be, whatever connection he was going to make with that, was not going to go well. And the other big thing that he did was he, during character statements when people were talking on Cory's, talking about Cory and what a great person he was, Cory, and that same woman was at the federal trial, right?

[00:52:50] **Liz Farrell:** I didn't. Was she? I didn't remember her. Lisa O'Brien? I didn't remember her.

[00:52:54] **Eric Bland:** Yeah, there was one lady who, not the lady who had her son beat up.

[00:53:00] **Liz Farrell:** Yeah. The other, the frozen, the outdoor shower lady.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[00:53:04] **Mandy Matney:** Yes. Okay, so, but something you did that was just so brilliant...

[00:53:11] **Eric Bland:** Well, I baited him. I baited him. I was able, you were correct, to get into the Georgia Bar complaint where he said under oath that he was a victim, that he didn't know anything that went along, any of the facts that now he's pleading guilty to, that he was unaware of what Alex was doing. He thought he was doing the right thing. And I baited Debbie, and she took the bait because she stood up and she said, "You know, my experience is that when I represent criminals, they're in denial. So the reason that he swore under oath that he didn't do anything, he was a victim, was he was in denial in the beginning, and it's taken all this time for him to really understand his criminality." And Judge Newman didn't like that at all. Didn't like that he lied to the bar, didn't like that he lied and committed perjury. That, that would, that didn't go over well. That was a poor argument that Debbie tried to make.

[00:54:04] **Mandy Matney:** That didn't go over well, and the woman who said that her son was beat up and Cory was there for her during all of that in the criminal proceedings, and when Judge Newman started to question her about what was the punishment for those men who beat up your son...

[00:54:20] **Eric Bland:** What did he get? They're still in jail. They're still in prison. 15-25 years.

[00:54:26] **Mandy Matney:** Oh, people hurt you and your family. And what happened? How did they correct that? Like, that was just such a big moment. And again, that was another light bulb for me that this is not going well for Cory. So and then, all of that on top of just the complete and utter chaos shitshow that the morning was, with them just pissing Judge Newman off and off at the end of the long day, we're all kind of bracing ourselves. And then, Judge Newman made his announcement and what was the courtroom like at that time?

[00:55:01] **Eric Bland:** We were all just really apprehensive because we knew he was going to load him up. And when he said, "Now let me get this straight, you're pleading guilty to 125 years." And all of a sudden you're like, oh my god is he gonna really load him up for like 60 years? And then he starts rattling off on the Satterfield case. 10 years, five years concurrent, 10 years on this one, five years on the breach of fiduciary duty, six years, whatever. It was, like 40-50 years on the Satterfield compressed into 10. Then you're like, oh my god, now he's got 10 against the 46



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

months in the federal, and then he goes to Mrs. P, to the Pinckney, and that was a separate 10 years. And all of a sudden, you're like, oh, my God, this guy's got 20 years. Okay, he does three years, three and a half years in the feds with the RDAP and 85%. He gets 55% in state court, he's got to do. Oh, my God, he's not getting down until he's 69 years old. And his kids weren't even there to hear that.

[00:56:03] **Liz Farrell:** No, that actually makes me really sad. But he's gonna stay in federal prison to finish out his entire sentence. He's not going to take that RDAP. He's not going to, he's going to live every minute he can behind federal bars. There's no, yeah, uh, he probably wants a bigger federal sentence now. He'll go back and ask for more.

[00:56:20] **Eric Bland:** Right. How would you like to do your time in federal prison? Just seriously, Liz and Mandy, how would you like to do your time in federal prison? And every day, you're like, okay, I'm getting out in four years, four years. Okay, this year, I only got three years left, two years left, one year, and you're getting excited, because you're getting out. He lives with the threat. oh, my God, I have one year until I go to state prison. So he gets out of federal prison, and then he's got to go wear a different suit in state prison. That means his federal time, his stomach is going to be in knots. He doesn't want the federal time to go fast. He wants it to go as slow as possible. It's a, it's a nightmare for that man, a nightmare.

[00:57:05] **Liz Farrell:** Let's talk about that. Because one of the things I wanted to talk about was what do you, Eric, think is going to happen next? Like, what's the move for Debbie? What's the move for Cory? Because he does have 46 months now of almost a reprieve, because the worst case scenario would be that he went into state prison right away. Right? So he has to live out his appeal all of that behind state bars. But now brightside for Debbie. Oh, well, yes, you can.

[00:57:33] **Eric Bland:** There's no appealing. Whoa, whoa, whoa. No appeal.

[00:57:35] **Liz Farrell:** There is no appealing for plea deals, typically. But I don't believe that this is typical. So what could he do to, you can appeal the sentence, right?

[00:57:45] **Eric Bland:** He could but the fact that it was in two bifurcated hearings where he pled the same way, September 14th, he pled in August 13th, and now pled on September 13th, it's going to be really, really hard. And he knew going in, and so did his lawyer, that you were leaving it up to the discretion of the judge. I mean, guys,



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

nobody pleads straight up to all the charges. It's never done. It's never done. It's the highly, it is so high risk. The only thing I can think of now is if he says to Debbie, "I know things. I can take down the Citadel." And then Debbie goes and sits down either with Creighton or Alan Wilson. That, she, they hold the cards there. She's done with Emily Limehouse. Okay, the feds can't do anything. It's only the state now. And so if he has the information—and according to Creighton, remember, he wasn't cooperating with the state like Emily said he was cooperating with the federal government—if he can take down the Citadel, maybe there's something that can be done. And also do you think that Alex saw Cory in the holding cells? Do you think that they're like the old Mayberry jails where you see the guy next to you, you know, through the bars, or is their walls and they didn't see each other? I was, I was curious about that.

[00:59:06] **Liz Farrell:** I should have asked that. Yeah, I should have asked that when I was talking to people who would know. I can't believe I didn't.

[00:59:11] **Eric Bland:** Yeah. Do you think they have a Mayberry jail or its walls?

[00:59:14] **Liz Farrell:** No, I think it's walls, yeah. The jail, so just so, I mean, the jail is right behind the courthouse. So there are holding cells obviously in the courthouse, but a lot of times they just walked the inmates over from the jail.

[00:59:28] **Eric Bland:** I don't think, I, his parents were shocked. His wife was really shocked and Cory was, I mean his head just, if it could have fallen off, it would have fallen off his whip.

[00:59:38] **Liz Farrell:** Well, that's true because he, when he, so Newman started by saying five years for the first charge, right? And Cory's head was held up, he's still watching, and then the second one was 10 and he went down. The head went down.

[00:59:51] **Eric Bland:** He almost hit the table. Honest to God.

[00:59:56] **Mandy Matney:** Well, but yeah, all of this is really crazy and kind of karma, I feel like, that they did all these maneuvers to have a sweet, sweet path to a short federal sentence in the easiest way possible. And then it all just fell down on them like a ton. Backfired like, oh my, horribly, because I, and that didn't, that, until you said that, Liz, that he probably wishes that his federal sentence was longer now because they really believed that Judge Newman was going to go with what Judge Gergel



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

said, and that's it, easy peasy, get to skip state prison, and what everybody who knows anything about prisons will tell you, especially in South Carolina, is that SCDC is a different world. It's that bad. That amount of time at SCDC, after a federal prison, is an extremely heavy life changing sentence. And...

[1:01:04] **Eric Bland:** I'll tell you how life changing it is, he's going to become institutionalized. Russell Laffitte will not. If Russell ends up doing his time in federal prison, Russell will get out and go meet some business contacts, and he may be, you know, a different person.

[1:01:18] **Liz Farrell:** Russell hasn't been tried in state court yet, Eric. He saw what Judge Newman did he's probably sitting there like, "I need to go to prison in Florida. Take me to Florida right now. Make it longer. Make it longer."

[1:01:36] **Eric Bland:** You're so right. You know, if Gergel had given Cory maybe nine or 10 years, maybe Newman would have had a little less bite. But that 46 months, just all of us were like, wow. And we were the same way with Russell. When Russell got 84 months, we were like, "Wow, are you kidding me?" And it set the table for exactly what's going to happen in state court. You're going to get the hammer thrown at you in state court, no matter what happens in federal court. And that's why I think that something may happen between now and the 21st. Maybe Alex doesn't plead guilty in federal court after we've seen what is going to happen to Russell and what's happened to Cory.

[1:02:18] **Liz Farrell:** I think you're so right about that. And I think another thing, like the thing if we're talking about themes or situations where these guys are not, where they're used to operating one way, and now they're finding out that there's another way to operate, a lot of the character statements—and I don't know why this stood out to me even more in state court than it did in federal—but these people did not, it's going back to this idea of culpability and accountability. And they believe just because Cory feels bad about it, that that equates to not having to serve the time. And I think that's why it was so brilliant what Judge Newman did with that woman who was talking about her son's assailants. It was a reminder that as a society, we want accountability, we want when somebody does somebody wrong, there's a punishment for it, and that and that makes us feel better. Because that makes us feel like we matter, where you did something to us and you're, you are now in trouble for it. Because you look at Tony, you look at Brian, and you look at Ginger, you look at Ms. Pinckney, and you think like this had to feel good. I know, I completely



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

understand that they forgive him, I completely understand that they don't want to see harm come to him, but they matter. And I think that that's something that, it kind of just struck me more because it was just like, you saw the same argument being made by people who looked like each other on behalf of Cory. Cory is trying to go to a prison where more people look like him than don't, rather than the prison where more people don't look like him than do. So it's all about like how we view ourselves and how we treat the people who don't look like us. All of Alex's, and most of Alex and Cory's victims, most of Alex's victims were people who were vulnerable, who were poor, people of color, and now these guys are trying so hard not to be in the prison with the people who look like the people they screwed over.

[1:04:11] **Eric Bland:** That's why I said you had to punish the crime, Judge. Don't punish just the criminal, punish the crime. Deterrence is important, and that's what Newman focused on. The stain he did to other lawyers. That you have destroyed lawyers' trust that they're going to get from their clients. What you did here near today, every client is going to think their lawyers are stealing from them. So he ended up punishing the crime. That's the important thing, Liz.

[1:04:41] **Mandy Matney:** Right. And I was thinking about this too, I really think that Cory's sentence is what it takes to make every other lawyer possibly thinking of doing anything close to what Cory did, I don't want 20. I do not cannot do 20 years in SDDC, so no. I'm not going anywhere near your thievery.

[1:05:06] **Eric Bland:** It's a water cooler moment. You heard me say it, you need to put a sentence that it's going to be at the watercooler the next day that one of the lawyers looks at the other lawyer and said, "Did you hear what happened to Cory Fleming in Beaufort, South Carolina?" It'll make you pause. It'll make you stop. If you needed money, and you were thinking of invading your trust account, you're not going to do it.

[1:05:25] **Mandy Matney:** Right. A few years in federal prison is one thing, might make you pause, and might make you reconsider, but it's a statement. And Judge Newman is saving a lot of, saving the profession, I feel like, by doing that. He is a hero in that sense. And I saw, you know, a little bit of chatter on Twitter this week about how unusual a 20-year sentence is for financial crimes or white collar crimes. And you know, just a few people being like it, and it's, it's small, like I would say, 95% of people are like, "Cory deserves that, good," but there's a few people who don't. And also a lot of these people don't really understand the case, but I just have to say that, as



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

Newman said, this case is just so different from a financial case. Or and I liked that also Judge Newman pointed out how many people have I sentenced to 10 years for stealing a car right? Like how many car, and he didn't say this, but that got me thinking, how many cars would have to be stolen to add up to all of the money that these guys stole? The whole dealership. The dealership. Right. That's why this is so so different, and real people are involved. This is it stealing from Wall Street, and it's stealing from grieving families who deserved to be treated so much better. And so I mean, I think the sentence is a very, very, very big deal. And I think that like you said, it should send conversations to water coolers across the country and law firms and people being like, "Ugh."

[1:07:12] **Eric Bland:** I love the two analogies that Creighton did. The one stop shop, go to federal court, it's one stop shop, you clean it up, you get your haircut, you get your carwash, you get your dry cleaning done, and you're out of there. He said, "That's not gonna happen." And then I liked the other analogy where he said, "On the one hand, we give these, they gave these clients who were desperate for money, millions of dollars. And then the other hand was sleight of hand behind their back, and that's when they steal another couple million off the table and the client doesn't know." And judge Newman grabbed a hold of that. Both of those arguments were brilliant by Creighton.

[1:07:45] **Mandy Matney:** They were really, throughout the day, playing off of each other, and like one one person would say something and then the other one would kind of pick it up. And I know that they're not on the same side, but it was, they both just did a phenomenal job.

[1:08:02] **Eric Bland:** Picking up spares.

[1:08:03] **Mandy Matney:** Yeah, just a lot of, and I, and again, I want to say this, too. As Eric, we talked about, like the growth of people and the shrinking people, you know, you and Justin Bamberg were always great speakers, but there was something about both of your speeches that was just bring everybody to tears and...

[1:08:23] **Eric Bland:** You hadn't heard me. You know, the fact of matter is, I really haven't got a chance to speak since the bond hearing. So it was my first time, you know? And I had a lot to say.

[1:08:31] **Mandy Matney:** Yeah, you could, you could tell it was just building up.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[1:08:35] **Eric Bland:** Judge Gergel cut my knife, cut my nickel, you know? So I could never get it out.

[1:08:40] **Liz Farrell:** Were you worried the whole time that you were gonna get cut off? Or did you feel like you are gonna be able to speak?

[1:08:45] **Eric Bland:** Nope, nope, not the way I saw Newman handling and all day. I thought he wasn't gonna cut me off. When he didn't cut Creighton off, he wasn't gonna cut me off. Thank you for your compliment. Thank you.

[1:08:57] **Mandy Matney:** But watching you and Justin was incredible. And again watching Creighton, I couldn't picture a better performance from a lawyer again. Creighton has really grown into this role of this powerful prosecutor, and at the beginning, you could tell he was a little intimidated by Dick, he would kind of let them come into his space, his body language was a lot different, and it's an incredible thing to watch these people not only fighting the good fight, but getting better at doing it and growing in confidence and growing in themselves. And we saw all of that play out on Thursday and it was a great thing.

[1:09:39] **Liz Farrell:** While having to police one of their own. So we're going to end by talking a little bit about the alleged juror tampering, and we've already spoken obviously about the motion for a new trial, and they're asking for the appeal to be stayed. And it's important that we understand that those two are different things, especially now that we look at the state's response. So, Eric, you went from representing zero jurors to offering your services for free, correct?

[1:10:16] **Eric Bland:** Correct.

[1:10:16] **Liz Farrell:** Yeah, to represent any jury who felt like they needed representation. What are you up to right now?

[1:10:23] **Eric Bland:** We represent four jurors. I met the jurors, and the jurors have been cooperating with requests from SLED to give their side of the story. And you know, when these charges or the alleged allegations came out by Dick, you know, I was even thrown back. You know, they were very serious. Usually, when you hear jury tampering, it's something to do with the prosecution, that the prosecution did something wrong. But in this case, you know, the allegation was a core personnel



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

and you're like, wow. I mean, the prosecution could get their case tossed, and they had nothing to do with it. And so, you know, you heard the sound and fury. But in the last week and a half, I've really gotten myself educated and I feel pretty comfortable that there's going to be a lion's share of these jurors, if not every one of them, except the ones that Dick and Jim have in their stable, that are going to absolutely vindicate Miss Becky, that will say that they sat in a trial for 26 days, that they have independent, clear minds, they made their decision, that they'd never heard Miss Becky do anything that would suggest that they vote in a certain way, and that they voted their conscience, they were not under duress, and it was their true and just verdict, and that that is the verdict today. And I think what you saw in the reply from the Attorney General yesterday was just that, one, they pointed out that there was a procedural mistake that Dick and Jim made by not having an affidavit from Alex, and so they, they gently said, "We'll give you another 10 days to file a new motion." But they sprinkled in that there's going to be factual discrepancies between what was stated by the two jurors in the initial motion and what will ultimately be put forth by the state. And I think it's, this could really backfire against Dick. I mean, this could be the nail in his coffin on this case, honest to God. Because I'm not going to reveal what I heard, but my impression is these are pretty resolute yours, and we may hear that it's actually not quite what Dick said and it's, it's more of that Miss Becky did everything right, rather than did everything wrong.

[1:12:40] **Mandy Matney:** I can't wait for that. But I have a question for you. So the state's response was pretty short. They did sprinkle in a little bit of like, you're wrong about this, but do they have a burden of proof? Is it their responsibility to prove Dick and Jim wrong at this point at all?

[1:13:01] **Eric Bland:** Well, the burden is on the moving party.

[1:13:04] **Mandy Matney:** That's what I thought.

[1:13:05] **Eric Bland:** So Dick and Jim have the burden to show that the proceedings were faulty, that they were flawed, that they were interfered with by a court personnel that interfered this, with the sanctity of the jurors, and that it altered the verdict in a way that was unfair to Alex Murdaugh so that he didn't get his constitutionally fair trial. Now, what I think you're going to end up hearing is that Miss Becky never ever said that these people had to make their decision that night, or they wouldn't be able to leave. I think what you're going to hear is that she said, "You can deliberate till 10 o'clock. If you can't reach a verdict at 10 o'clock, I believe the



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

judge is going to put you in a hotel, and then you'll be able to come back tomorrow morning and deliberate again." So I think what you're going to ultimately find is that Miss Becky did nothing that was out of the ordinary in this very extraordinary trial, that you're going to hear how much she catered to each individual jurors needs, and that these jurors got along fine, except for one that you're going to hear about, I think, at the hearing. And they made a just verdict in their minds, and they're not changing their minds.

[1:14:20] **Mandy Matney:** Yeah. And I'm really, I can't wait for that, because I saw some troll chatter on Twitter from people saying that the state's response was weak and if they had like, why don't they have affidavits? Why don't they have this? But they don't have to at this point, right? Like that would just be a complete waste of time, and all they had to say is that like, first of all...

[1:14:45] **Eric Bland:** Trust me, they have, they have arrows in their quiver. I was there when arrows got placed in quivers, so there will be the time when those arrows will come out.

[1:14:55] **Liz Farrell:** I mean, that makes me angry. I did not see those trolls, but this is one of the most—I love that it's five pages, I thought it packs a powerful punch, or it's only four pages, I guess—but the language, it was, it was so precise what they brought up. And I think that you can read between the lines, they quote this one case *State v. Harding*, "It would have a mischievous tendency after all the evidence on the part of the state had been fully disclosed to allow one with his life and danger and opportunity, by the assistance of Confederates, to procure unprincipled witnesses to contradict the evidence on the part of the state and thereby defeat the ends of justice." That is exactly what's happening in this. I love the word mischievous there. I love the word confederates. I love the word unprincipled. Like it is clearly what is happening in front of us, and they were able to say this and just one line from one case. And then they go through what the appellant must show in order to have this after-discovered evidence looked at, while also saying that they're willing, if you want to do this, we'll do this. That's that's basically what this says like, if you want to throw down we'll throw down. But why don't you do it right?

[1:16:07] **Eric Bland:** They also threw the gauntlet at Jim. They throw to Jim by saying, they said, "Jim, you may have had knowledge of this during the trial. And if that's the case, you needed to come forward before the verdict. It's not after required evidence, because you already knew about."



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[1:16:25] **Liz Farrell:** So that's the, that's the thrust of this, too, is that Jim has now gone on, I think it was on Fox Nation's podcast, where he says that they knew about this. And Martha McCallum says to him, "Well hold up, why didn't you bring it to the attention of the prosecution or the judge? Or why didn't you," and he didn't have a good answer for that. And we're going to talk more about that on *True Sunlight* podcast, but there are multiple examples of them knowing or seeing the forecast of what they are claiming now. So if they wanted to claim what they're claiming now, they could have done it back then, and they didn't do it. So this isn't based on them hearing from the egg juror and juror 630. It feels like at the heart of it is the same thing that they learned in Judge Newman's office when he said, "I wish the clerk of court hadn't spoken to her directly." And that's the little seed that they tucked in their, they tucked in their jackets right there to use in the future.

[1:17:22] **Eric Bland:** It was their safety net. If they needed to use it, they would. If he got off with a not guilty or a hung jury, they would never have said a word.

[1:17:30] **Mandy Matney:** Here's what I'm thinking right now, and we talked about this in the last *Cup of Justice*, but if it comes out that they were completely wrong about all of this, shouldn't they, is this obstruction of justice? Is this, what is this that? We can't just let people like Dick and Jim play with the court and play with the media in such a way that is so egregious and so wrong. And in the meantime, Becky's career and reputation hangs, hangs in the balance. I mean, whatever comes out of this case is her career and the rest of her life.

[1:18:14] **Eric Bland:** She's gonna sue. Listen, I told you this last week, when you go for the king, you better kill him. If they miss, she's got the best defamation case in the history of defamation. Destroyed this woman's reputation and career on national TV in front of microphones in a non-privileged setting.

[1:18:32] **Liz Farrell:** And then called her a bad writer.

[1:18:34] **Eric Bland:** Yeah, I mean, seriously. Seriously, she'll try this case in Colleton County. What do you think's gonna happen to Dick Harpootlian and in Colleton County if this doesn't work out? And he defamed her.

[1:18:43] **Liz Farrell:** I don't know. But he better get a new car, Eric, because he's gonna have to go down some dirt roads to get there.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[1:18:50] **Eric Bland:** I don't know what the repercussions are you raise a good point, Mandy. Usually, you know, in civil cases, you have rule 11 that we've talked about many times over the past two years. When you sign a pleading, you have to sign it in a good faith basis, knowing that there's facts to support what you're saying. And if you don't, then you could be sanctioned monetarily or your client can be sanctioned and you get hit with fees. But in the criminal setting, I don't know what the equivalent is on what can happen here. Dick's gonna say, "Well, I was just relying on two affidavits that I got." But that doesn't protect you if the, if there's defamation embedded in those affidavits. You can't just go out and speak that defamation. But I don't know. I mean, think about the money that is now being spent on this. I know that I've met with SLED officers. I've talked with other SLED officers that are working on this. So there's four or five SLED officers that are now dedicating over the next 2, 3, 4 weeks looking at this. This is just more money being caused by Alex Murdaugh, who is sitting in his jail cell grinning. Okay, that's all he's doing.

[1:19:51] **Mandy Matney:** Right, and that's why I was just so horrified and angry when Dick Harpootlian had the gall and the audacity, the word that we keep saying over and over again, to say, "Everyone, they are all trying to get their clinging, clinging to this by their nails. And they are trying to get their 15 minutes of fame out of this. And it's everybody else's fault." But this is the guy that, like, it just makes me so angry because I've spent the last week being like...

[1:20:27] **Eric Bland:** You've been down a little bit.

[1:20:28] **Mandy Matney:** I've been down because I don't want, I don't want season nine of Murdaugh to happen. I am tired of it.

[1:20:35] **Eric Bland:** And people won't believe us. People don't believe you when you say that. They say, "Oh, you're just gonna benefit. Now you got two more years of content."

[1:20:42] **Liz Farrell:** We changed the name of the podcast, like what more could there possibly, what more evidence could you possibly have? Exactly. And we got criticized for that. So like, which...

[1:20:54] **Mandy Matney:** Right, and we're trying to do other cases, and we're trying to do all these other things, but we keep getting pulled back in by this monster of Alex



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

Murdaugh and his monster attorneys. And I'm just tired of it. And the part that bothers me the most is that our system is just allowing these guys to continue to do it. And I don't think that they're going to do anything to Jim for what he did for the Fox News documentary. I don't think they're going to do anything to Dick for everything. I mean, he pointed a gun in court at the prosecution and joked. That could have been a charge for a lot of people, but not Dick Harpootlian. I just don't think that these guys are ever going to get in trouble, because I think, I think our system just wants to, our system wants to move on.

[1:21:46] **Eric Bland:** I'm gonna say this, but I think they shot their wad with this jury motion and it'll hurt them, ultimately. If they lose on this issue and it goes up on the 404B stuff, I think that they shot their wad on this jury stuff. I think they would have been better served with their client to let the appeal go forward on the 404B. There is real red meat there. There's a good argument that could be made that too much financial evidence was put into the trial. Not saying that I believe there would be a reversal or I would vote for one, but that is a good colorable argument. But when you shoot your wad at a clerk of court, and you shoot your wad at a judge, and you shoot your wad at the whole jury trial, I'm not sure when it finally gets up on appeal, if this thing doesn't hit the mark, that the appellate court is going to be a receptive audience.

[1:22:33] **Liz Farrell:** Speaking to your point, Mandy, I was looking at the SC Bar's website earlier and reading the incoming president, who started in July, I guess, his letter to lawyers in South Carolina and like what his goals for the upcoming year were. And they're good goals. They're, they're good. He wants more, more diversity, he wants more people doing pro bono work, having greater access to justice. He wants civility, which is a little weird. And then he wants better mental health services for lawyers, which I wholeheartedly agree with. But what's not there is talking about anything to do with ethics, playing by the rules. Nothing talking about accountability. And like we, you've got a problem, dude. Like people do not trust lawyers right now and for good reason. And I'm sorry to the lawyer system effects, but it just shows you like, it's just again, and again, this sort of, like I want to call it like the purest form of power that we're watching right now try to fizzle out. It's like a zombie that won't die or some sort of like the villain in a superhero, where you're trying to kill it, and it just keeps coming back. Because it doesn't want to give up the thing. They don't want to give up the good life that they've had, and the good life is that they've been able to use the system for their advantage and to profit off of an obscene amounts of money. I think that this is a problem for so many guys who have made their living off



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

of a system that does not require you to be the smartest man in the room. It requires you to be the man with the most connections or the deepest amount of generations that are named after you. So that's why it's so hard. That's why we keep seeing them come back. That's my A to that. The B to that is that maybe this is about something more than that, and maybe like I said, Alex isn't their client. Because I can't account for the bad moves that they keep making. Why did they keep taking this bad advice to do the things that they've been doing?

[1:24:26] **Eric Bland:** Yeah, like I sent a tweet out Friday. You guys saw it. Look, somebody needs to investigate how they are being paid. I get it that they have, they feel like they owe a duty to Alex because they started out and they want to see it through, but they're doing things that they don't have to do. The appeal of the Satterfield denial of the motion to vacate the judgment. They filed that at four o'clock on Thursday. Why are they appealing that? They're not going to win. It looks like they'll probably appeal Judge Gergel for denying putting the Satterfields in as parties in the Nautilus case. Somebody has to be paying them. You're talking about they have a plea coming up in federal court, they have a trial coming up November 27th on the financial crimes, they have an appeal on the murder case, they have a side of the road shooting. They walk in the court, they say Alex has no money. How are they being paid? Somebody needs to determine, is a third party paying them fees? That's, they can't can't make a living doing this.

[1:25:35] **Mandy Matney:** Right, and I think this all kind of circles back to the power that we are still seeing that still exists in this case. And circling back to the handshake and what a symbolic moment that was, because that was a politician saying, "Alex Murdaugh still has, he's still holding on to power. And whatever I risk by the people who see me shaking his hand doesn't matter, because this guy, and whoever he's behind has more power for me." I think that that's what that all meant. And yeah, I mean, it's hugely concerning. There's a ton of money, a ton of money going to this defense. I know, because I have just had to pay lawyers for my stupid lawsuit and it costs a lot of money. It costs a stupid amount of money just to get out of a stupid lawsuit. I cannot imagine the bills that Dick and Jim are, there's no way they're doing it pro bono, but the power still exists.

[1:26:45] **Eric Bland:** And they've only made \$79,000. If you listen to Jim, we spent \$531,000 in costs. So Dick and I split a whopping \$79,000 is what he said in open court.



EPISODE 47: Judge Newman Isn't Playing Games - Team Murdaugh Gets Knocked Down

[1:26:58] **Mandy Matney:** And there was also, there was also a random shooter that shot Alex on the side of the road. Like there's no way that that amount of money, there's just no way. But I think wrapping up like that's the most concerning part about all of this is these guys still have a sick amount of power, including Alex Murdaugh, and we don't know where it is. And I pray to God that Cory is staring at his sentence and saying, "I'm going to give Creighton a call and tell him everything that I know and try to get out of this." Because I feel like Cory, and I've said this all along, if Cory cooperated early on, we would know where the money is. We would know a lot more mysteries, we would know a heck of a lot more than we know now. So maybe this is all a good thing, and maybe I've wanted to run away from this case because I'm tired of it, but maybe it's a good thing that, maybe this is the era of answers for the Murdaugh chapter. Maybe this round will be a lot less frustrating. Let's hope so.

[1:28:03] **Liz Farrell:** Yeah, I can't imagine what Dick and Jim's personal lives look like. They must be a mess. They must be broken.

[1:28:10] **Mandy Matney:** Wow, or hearing things.

[1:28:13] **Liz Farrell:** Just saying, I mean two years of their life. I mean...

[1:28:17] **Mandy Matney:** Yeah, again, they're shrinking and we're growing, so. And that, I think we say cups down everybody?

[1:28:26] **Eric Bland:** Cups down.

[1:28:26] **Mandy Matney:** Great show.

[1:28:27] **Liz Farrell:** Oh, double cups down. That was a good episode.

[1:28:38] **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 Luna Shark Productions.