



EPISODE 6: Leading Up To The War

[00:00:00] **Mandy Matney:** Happy Friday, MMP fans, and welcome to this special Cup of Justice bonus episode of the Murdaugh Murders Podcast. I think October might have been the best month of my life, and this week made it really extra amazing. On Sunday, we were on CNN. On Wednesday, we published one of my favorite episodes of the Murdaugh Murders Podcast, where we really shined a much-needed light on Judge Mullen and her history of alleged misconduct. And on Thursday, our crossover episode with My Favorite Murder published, which I highly suggest y'all check out immediately. It might be my favorite interview ever, and this episode of Cup of Justice also might be my favorite. We've had so much to report over the past few weeks that we weren't able to talk about Alex Murdaugh's latest pretrial hearing in Wednesday's episode of MMP. So I was really glad to be able to sit down with Liz Farrell and Eric Bland after the episode aired to talk about the hearing, which was wild. But also, we were able to get Eric's thoughts on the shocking recordings that we shared with y'all from the 2017 incident involving Judge Carmen Mullen, which showed how she tried to manufacture a crime to get a man with psychiatric vulnerabilities arrested. Both Liz and I really appreciated getting Eric's insight on a judicial disciplinary system as well as Dick and Jim's strategy, and I think y'all are gonna find it really interesting as well. With co-host Liz Farrell, our executive editor, and Eric Bland, attorney-at-law, AKA The Jackhammer of Justice, let's get into it.

[00:01:44] **Liz Farrell:** In last week's episode, you had mentioned a couple times that if we can trust the report, meaning the incident report from the deputy. And that stuck out to me because, of course, you know, as a journalist, the report is critical, and, you know, knowing that obviously the full story isn't always represented in those incident reports, but certainly you were giving her sort of an out, like maybe this isn't maybe the deputy's account. Maybe it wasn't exactly telling the full picture. But after listening to the recordings, how do you feel about that?

[00:02:12] **Eric Bland:** I think the report was accurate. It was clear that she wanted him arrested. Now, her motives may have been good. Her motives may have been she wanted mental health treatment for Ernie. What I do question though, based on the report and based on the recordings, is her



EPISODE 6: Leading Up To The War

judgment and execution of those motives. She clearly was using the power of her office to get a result.

[00:02:37] **Liz Farrell:** She could have sent her husband there, right? Like so she didn't have to go there. Let's say the scenario that she presented in her response to us was that they were driving by, they saw the cop cars, she dropped her daughter off and went back with her husband. So the signal to me in her handling it and not having her husband handle it, is that she had the full authority of the robe, I guess you would say. How do you say that, Eric? She knew she was something special in that moment. Like she had some authority. So she can't say she wasn't using it.

[00:03:06] **Eric Bland:** No, she was using the authority of her office. If you and I had tried to do that and stopped our car and our spouses and I walked up the driveway, the officer would've asked us what are we doing. We would've said, hey, we would like to, you know, give you some information or whatever. And he would've said, hey, you're not law enforcement. Leave.

[00:03:22] **Liz Farrell:** Did something like that happen to you once in your past? Did you try to interfere in something?

[00:03:27] **Eric Bland:** Well, I have. I've done that many a time. I mean, I was a bouncer in a bar in a number of bars. And we would get in a, you know, a scuffle with a patron who was unruly or drunk or creating a disturbance, and we send them out and notify law enforcement. And when, so law enforcement came, I remember that I wanted to get in the middle and kind of tell the officer exactly what happened and the officer said, you go back in the bar. When I want to talk to you, I will talk to you. So I knew my role. My role was to shut my hole. So she didn't do that obviously. She was having a curbside courtroom.

[00:04:06] **Mandy Matney:** I just wanna chime in. The other thing is, I was thinking about this when she was saying she really wanted to help Ernie. And I understand the wants and need to help people who have mental problems, but she didn't need to be, she had no role in all of that. When you, it was not her house. It was not her property.

[00:04:29] **Eric Bland:** She wasn't a victim.



EPISODE 6: Leading Up To The War

[00:04:30] **Liz Farrell:** No, she wasn't.

[00:04:31] **Mandy Matney:** And you as a judge can't be driving around inserting yourself every time there's a mentally ill disturbance in your neighborhood and telling officers what to do. That is just wrong.

[00:04:45] **Liz Farrell:** Doesn't that go back to the appearance of —

[00:04:47] **Eric Bland:** Impropriety. It speaks like from the rooftops and it's screaming as loud as possible that what she did when you listen to those tapes creates the appearance of impropriety. We can never have judges feel like that they are partial or they're committing something that's creating something that's not objective. And what she did was she brought the robe in question. And people who listen to that tape, the inescapable conclusion is that she wanted an outcome and that outcome was to get Ernie arrested. That is not an insignificant thing. Like she talks about, let's arrest them for trespassing. Let's arrest them for breach of trust. Or let's do this. Arrest is a permanent stain on somebody's reputation and record. It's not something that you can wipe away with an eraser. You have to get a lawyer. It's on your record forever. And it's not something to take lightly. And it's not a tool that you pull from your tool chest and you start to screw. It's liberty, it's due process, it's constitutional stuff.

[00:05:56] **Liz Farrell:** It was so gross hearing how casual she was about it, you know, regardless of her motives rather. But, you know, I don't know that I agree necessarily that the tapes or the recordings show or approve that she was only there to help. I guess maybe she was. But like for instance, when we talk about the part when like she's trying to say that she was there sort of to protect Ernie from the deputies. And really, all I heard were the deputies trying to protect Ernie from her.

[00:06:22] **Eric Bland:** And her husband trying to protect Ernie from her.

[00:06:25] **Liz Farrell:** Right, right.

[00:06:27] **Eric Bland:** Don't forget her husband's role there.

[00:06:29] **Liz Farrell:** I know. He said, you know, he told her he has a right to be there because let's not forget Ernie had a lease and that is his home. One



EPISODE 6: Leading Up To The War

thing I wanted to get your thoughts on, Eric, there's a part where she's talking about how she wants to get Ernie in jail and then she would go in and give him a no bond. So she had sort of already decided, you know, and she's general sessions, so I don't know that you're necessarily general sessions judges aren't typically hearing bond for somebody arrested for disorderly conduct, right? I mean, isn't that more of a magistrate thing?

[00:07:03] **Eric Bland:** This is a judge who already is saying what she's going to do before the prosecution makes an argument. The prosecution is the state. They're the ones that bring the charge. It's the state versus Ernie the attorney, not Judge Mullen versus Ernie the attorney. And if she's telling a police officer "I'm already going to give him no bond," then she's not sitting as a judge that's blind. Remember, Lady Justice wears a blindfold. The judge should wear a blindfold.

[00:07:34] **Mandy Matney:** And also, our jails are not hotel rooms. I can't —

[00:07:41] **Eric Bland:** Nobody wants to go spend a weekend in —

[00:07:44] **Mandy Matney:** Nobody wants to. And that's not the process, and that's illegal. And granted, this does open up a whole 'nother can of worms that we won't even get into, which we, need a lot more help for people that are mentally ill and a better process for where to put them, etc. etc. But at the end of the day, they do not need to be in our jails, and that is not the place for them. And that is completely wrong. Our jails are not hotel rooms like.

[00:08:14] **Liz Farrell:** But Mandy, she said that they love him.

[00:08:17] **Mandy Matney:** I know, and that he loves it. That's not fine. That's horrible. I can't imagine it being a safe place. Safer than the, where he was living in Port Royal Plantation. So —

[00:08:30] **Eric Bland:** It's not a substitute for psychiatric treatment, okay? Jailers are not psychologists. They're not psychiatrists. They can't prescribe medicine. It's not a place that you send somebody that has mental illness. She may have come with good motives. I don't know. I'm not inside her head. But what I can judge is how she executed those motives, and they were not the proper way that a judge does it. You don't spitball, how do we get somebody arrested? Is it a.) Let's make a deal, Monty Hall, and we'll go behind door



EPISODE 6: Leading Up To The War

number one. If that doesn't work, is it door number two or door number three? It was wrong from the start, and the fact that her husband had to give her legal advice tells me everything we needed to know about that interaction.

[00:09:18] **Mandy Matney:** Yeah, absolutely. And actions speak louder than words. So I read the letter and I went back and listened to all the tapes again and again. And Mullen's purpose, she did not articulate her purpose of being there, that she wanted to help Ernie, until the deputy said, "We're concerned about Ernie's safety." Then she said, yeah, yeah, yeah, I am, too. But she did not articulate that at all, which I think after listening to the tapes, my overall conclusion that she was there to exert her power, and that's that. And that's that. And she had a gross misunderstanding of the law and how it works, and that's the most concerning part.

[00:10:01] **Eric Bland:** I talked to a solicitor, Mandy, who said that it's classic abuse of power, technically attempted kidnapping if they were gonna take him to the gas station — just to suggest it was attempted kidnapping — and interfering with the proper duties of a law enforcement officer at a minimum.

[00:10:20] **Liz Farrell:** With all the stories that we have heard connected to the Murdaugh cases, at the core of a lot of them is an interference with law enforcement, right? So, you know, starting with the boat crash, well, starting way before the boat crash case, but certainly with the boat crash case, they're interfering with the normal process, right, in order to get something, the outcome that they want. And so, to see a judge, you know, where we sort of suspected that the Murdaughs have had, well, not just suspected, we know that the Murdaughs have had a very cozy relationship with judges, but then to see that one of those judges that's been accused of having those kinds of cozy relationships with the Murdaughs, sort of employ the same methods. Do you know what I'm saying? Like Mandy, did that strike you at all?

[00:11:01] **Mandy Matney:** And I was thinking about this, too. Another concerning part of this is, okay, if there were charges just pretending like there would be, that would go to Duffie Stone and like that's a joke. The whole system is corrupt and wrong, and we have to fix it. Eric, what's the next step here? I mean, people are mad. People are angry. What's going on?



EPISODE 6: Leading Up To The War

[00:11:22] **Eric Bland:** Well, you know, to touch on your common thread, you start with the Stephen Smith murder. Alex and Randy show up. You start with the boating accident. Alex and his father show up at the scene and then in the hospital. Now, you come to Judge Mullen and Ernie the attorney, and she shows up. It is a common thread that law enforcement sometimes gets interfered with by people in power. It's a real problem. So what I think needs to happen is there needs to be a full investigation. Judge Mullen is entitled to all of the rights afforded to a judge that is being investigated. She has the right to tell her story. Her husband has the right to tell her story. And some objective investigator needs to look into this. I had a situation with a judge in the upstate in 2018 where that judge made some comments on Facebook in advance of a settlement hearing that I had for a very large settlement involving an officer shooting of a young 19-year-old boy. And I notified the Supreme Court, and not within, not kidding you, within 24 minutes, Chief Justice Costa Pleicones suspended that judge that quickly. In 24 minutes, he suspended that judge. Now, I don't know whether she should be suspended or not. Somebody needs to look into that. But certainly, with these past two weeks of what has been reported on, you, Liz, breaking the story on the actual officer's report, Judge Mullen then writing a letter, which again was a very dangerous thing. You don't stake out your ground until you have all the facts. So she staked out her territory without knowing what the recording said. Now, the recording comes out. It has to be investigated.

[00:13:18] **Mandy Matney:** This is on top of so many other things, like there were so many other concerns about Mullen even before all this Murdaugh stuff started coming out, which we talked about on MMP this week. Like this by itself is egregious enough, I believe, for a suspension.

[00:13:35] **Liz Farrell:** I agree. Eric, you filed a complaint against her.

[00:13:37] **Eric Bland:** Yeah, I filed initially. The initial complaint was over her handling of the Satterfield matter. And since that complaint, two things have popped up. Not only this Ernie the attorney incident, but it turns out that she issued warrants apparently in connection with the murder investigation. I don't know why this woman wouldn't be a million miles away from anything having to do with Alex Murdaugh. I just don't know that. And so, you know, we made the complaint. It was a big step for David Pascoe and I to do this in the spring of 2022. And we supplemented that complaint this week with what has transpired with these recordings in the police officer's narrative.



EPISODE 6: Leading Up To The War

[00:14:21] **Liz Farrell:** So, Eric, I heard from somebody who has a long history in covering Carmen Mullen in her career. And he had sort of warned me, you know, she has what he called sticking power. And he said, "Don't underestimate her sticking power." Do you think that we will see any action with this in the future? I mean, do you see anything happening at all?

[00:14:43] **Eric Bland:** I have never seen a circuit court judge face discipline. I know that Judge Anthony Russo, who was running for reelection, withdrew his nomination when certain things came out on the internet when he made some statements that were pro Trump and pro religion. And you could tell that he was brought before the committee and they were questioning his judgment. If Anthony Russo, who was a sitting circuit court judge for 15 years, is basically run off the bench because he expressed political views and some religious views. And Judge Johns, who I got temporarily suspended because he expressed views as to motives of plaintiffs pursuing for money on the Facebook. I can't imagine that if you interfere with a law enforcement investigation where a law enforcement call and you're not party to it, you weren't invited to it, and then you start to use the power of your office to shape an outcome, I don't know how this can go unaddressed. But, you know, I am not participating in it. They're not gonna include me in it. They're not gonna ask my opinion. It's not open investigation. It's not an open proceeding. So we won't know what the outcome is until there's an outcome. And that outcome may come and she still sits on the bench, or the outcome may be that she resigns, or the outcome may be that she doesn't run for reelection. I don't know.

[00:16:25] **Liz Farrell:** So I wanted to get one of you to talk about this because the deputies that were dealing with this were sort of put in a bad, not sort of, they were actually put in a bad position by what she was doing because isn't it kind of difficult for a deputy or any sort of law enforcement officer to go head to head or toe to toe with a judge given what their, you know, profession sort of relies on, which would be having to go before that judge in the future?

[00:16:52] **Eric Bland:** Talk about a Hobbesian choice. I mean, he's damned if he does and damned if he doesn't. If he doesn't write this down, then it looks like he's secreting improper behavior by a judge. When he writes it down, he's pilloried because his law enforcement agency has to appear before this judge in probably 50% of the general session cases that are in that circuit. And I give total credit to the Beaufort County Sheriff's Department, to the supervisor, and to this deputy. That deputy was in a very hot light situation, and he



EPISODE 6: Leading Up To The War

handled himself with a plum. And then I give total credit to his supervisor because when he came back, that supervisor could have said, okay, let's sit down and determine what you're exactly gonna say in your narrative report. And he didn't do this in a vacuum. That had to have been done in conjunction with his supervisor. And I give total credit to the Beaufort County Sheriff's Department for what they wrote in that report. You know, we like to say our system's corrupt. We like to say that, you know, we have major problems and we do. And at times, it is. But when law enforcement does their job, I think it's incumbent upon us to give them credit. And I give full credit to the Beaufort County Sheriff's Department in that situation. They didn't knuckle under. They didn't succumb to her request to get this guy arrested. They gave Ernie every benefit of due process that he's entitled to. And I think we have an obligation to acknowledge that. And we'll be right back.

[00:18:39] **Liz Farrell:** I think now would be probably a good time for us to switch topics because there's, you know, in addition to the Mullen stuff, we also had the hearing with Alex Murdaugh last week. And the three of us did a live chat. So if anyone wants to watch that hearing, it was a two-hour hearing, you can go to our YouTube channel and watch it and you can actually see the comments that we were making during the hearing. But I wanna talk about this. I wanna start at the end. Mandy, do you wanna give like a little recap of how Alex suddenly waived his rights for future appearances and just sort of how shocking that was?

[00:19:18] **Mandy Matney:** Well, I thought that was very interesting, to say the least. First of all, Dick, what did he say? "They're bringing him in like an animal"?

[00:19:29] **Liz Farrell:** "Trussing him up like an animal." Like he's Hannibal Lecter or something getting rolled into the courtroom, which is far from what that looked like. But Eric, what does waving the appearance really mean? Like what does that mean?

[00:19:44] **Eric Bland:** Alex Murdaugh has to put his pants on the same way that any other charged murder suspect in our state has to do. So he doesn't get special license on how he's brought to court. He doesn't get brought to court in a Lincoln Continental. He goes to court the same way that every other person in a jail who's charged with murder and doesn't make bond comes to court. They have to get woken up at two o'clock in the morning because there's the state transport has to transport him. He's a charged



EPISODE 6: Leading Up To The War

murderer. So under our law, he's considered a dangerous person, so they have to cuff him. They have to foot-chain him. He comes in a jumpsuit. He gets to wear civilian clothes until he's convicted. But I'm sorry, he comes to court and leaves the court the same way that everybody else does. Now, if he doesn't want to get woken up at three in the morning, that's his prerogative. But Dick's explanation that he's spending every minute of the day being a paralegal, going over reams and reams of documents, rings hollow. What he really didn't want is for his client to have to turn around again in that courtroom and not see a family member there or friends to support him because journalists like Liz and Mandy would report that. And the more it looks like that he's on an island and nobody supports him, the worst it is for Dick. Alex has nobody. So I think Dick made a strategic motion. I don't think the reason was what he said, but I certainly understand that Alex doesn't wanna get up at two o'clock in the morning and be handed off in a van to this van. You go from Columbia to Kershaw to another transport that you get out of that van. But guess what? Don't get charged with murder and you won't have to go to court in that manner.

[00:21:33] **Mandy Matney:** Also, don't steal \$10 million from clients . Like Alex Murdaugh created the chaos in the courtroom, like it's all his own doing. So, boohoo. But yeah, I mean, this whole thing is a circus because the Murdaughs have made it a circus.

[00:21:52] **Eric Bland:** Yeah, it's self-induced. Self-inflicted. That's the term.

[00:21:55] **Mandy Matney:** Exactly. And I'm wondering if the reason why he waived his right to appear, I'm wondering if he was giving his family like one last chance to show up. I wish that we had jailhouse phone calls to figure that out but we do not because of whatever's going on there. But yeah, I mean, I think it speaks volumes and it's so weird that Maggie's family has not showed up yet either.

[00:22:23] **Eric Bland:** Well, they haven't staked out their ground yet. They don't know whether they want to be victims or supporters. But I do give, you know, Dick and Jim credit, you know? From a journalist standpoint or a layman's standpoint, they see that motion that was made. They see Dick's arguments. And to the layperson it's, you know, Sound and Fury signifying nothing. You know, it's Faulkner's idiot. That's not really what happened there. Dick did a masterful job because he educated Judge Newman on the shortcomings of the state's case. His job was to educate the judge so that the



EPISODE 6: Leading Up To The War

judge starts to get a little bit of doubt in his head. He's also educating the jurors, the potential jurors of Colleton County if they listen to it. Again, he's only trying to reach that one juror who's gonna say, "I'm not gonna vote guilty," so he can get a hung jury. And then the other thing, which is really inside baseball, is lawyers like me get every opportunity I can get to hear my adverse counsel speak. He put Creighton Waters in a position where Creighton had to speak about his case, had to speak about what evidence that Creighton found to be overwhelming. And you learn. And so, Creighton gave up a lot of his playbook in that hearing.

[00:23:47] **Liz Farrell:** So you're saying that's like the major strategy there, like the motion that they put, you know, to compel —

[00:23:52] **Eric Bland:** Wasn't gonna be granted.

[00:23:53] **Liz Farrell:** Right, right. So it was like a fact-finding mission is what you're saying.

[00:23:57] **Eric Bland:** Right. Everybody left that hearing, and every newspaper journalist said, "Motion denied." Well, Dick lost. He may have lost the battle, but he's trying to win the war. He didn't expect to get a granted motion. What he did was educate that judge. He put some doubt into Creighton because Creighton's gotta go back to his office and scratch his head and say, now, wait a minute. Maybe should we have cross-swabbed the DNA and swabbed Eddie and see if any of the DNA was on Alex's shirt? So Creighton goes back and starts to question his experts. It's Dick throwing everybody off balance. Remember what I said? He was starting fires in that courtroom and everybody was getting their attention diverted to the smoke. It had nothing to do with really, hey, Alex. You were there. It's clear you were there. You weren't somewhere else at your father's hospital room. Your alibi is blown to crap.

[00:24:58] **Liz Farrell:** Well, let's talk about one of the bigger things, you know, before the hearing happened after the motion to compel was filed. The main thing that seemed to Mandy and me like the main goal seemed to be to get the headlines to say that Curtis Eddie Smith was the possible murderer. And Mandy, do you think that was an effective strategy for Dick and Jim?



EPISODE 6: Leading Up To The War

[00:25:20] **Mandy Matney:** It's hard to say because it's interesting. Eric's takeaway from this is different from mine, which is, I thought Dick and Jim looked terrible last week. I totally see Eric's point of, I thought Creighton showed up, but I thought the evidence that Creighton presented in my opinion was overwhelming and could absolutely convince a jury. But back to Eddie, I'm kind of surprised that that is the fall guy because circling back to last September in the alleged shooting, if Alex Murdaugh had any sort of bone in his body that maybe thought Eddie killed his wife and son, he would not ask that man to shoot him on the side of the road for insurance money for his son. I laughed because it's so insane. I think that the pinning it on Eddie would have worked if the roadside shooting never existed.

[00:26:25] **Eric Bland:** Unless Eddie was with him and they jointly killed his wife and his son.

[00:26:29] **Liz Farrell:** But why would they point to, you wouldn't say, "It wasn't me. It was the guy I did it with."

[00:26:34] **Mandy Matney:** Yeah, but you don't point to an accomplice.

[00:26:37] **Eric Bland:** Because Eddie's like Mikey from Life Cereal commercial. You guys are probably too young, but Eddie's got a lot of taint on him. So if you're gonna blame somebody, blame Eddie.

[00:26:47] **Liz Farrell:** Well, I think that's interesting, too. You know, the motion included some visual aids in the way of a photo of Eddie sitting for the polygraph and then a closeup of the polygrapher's laptop. It showed like a spike, so it's essentially like a cartoon version of a polygraph. And the funny thing is, in the hearing, Creighton is like, you guys know that's not how a polygraph works. Like taking that little isolated spike and trying to present that. Because they're trying to say, Dick and Jim are trying to say, this is the moment he was asked if he killed Maggie and Paul or if he was there when Maggie and Paul were killed.

[00:27:24] **Eric Bland:** It's called a Perry Mason moment. That's what he was looking for.

[00:27:27] **Liz Farrell:** Right. And like, I mean, they know that polygraphs are, you know, not admissible. They know that this is complete and total red



EPISODE 6: Leading Up To The War

herring. But it was funny just to see. It's almost like, you know, Eric, you say this all the time, that like Dick is, you know, magic in the courtroom and, you know —

[00:27:43] **Eric Bland:** No, I didn't say magic.

[00:27:45] **Liz Farrell:** What did you say?

[00:27:45] **Eric Bland:** You use the word magic.

[00:27:46] **Liz Farrell:** I use the word magic. What would you say? Like what's the compliment you give them?

[00:27:50] **Eric Bland:** Effective.

[00:27:51] **Liz Farrell:** Oh, okay. Effective.

[00:27:52] **Eric Bland:** Effective.

[00:27:53] **Liz Farrell:** Yeah. So is it effective to set it up so that somebody like Creighton could come back and be like, actually, yeah, you're right. Okay, we didn't give you that, but here's all the other stuff that the public doesn't know or didn't know before now. And I thought and like what Mandy said was that, you know, I really agree with that because there's, do you think that they banked on Creighton coming back with even more details about the murders that had not been released before?

[00:28:20] **Eric Bland:** Yes. I think that that hearing was designed to get Creighton to speak, and Creighton did a wonderful job. Look, I've certainly leveled my criticism at him and Alan Wilson at different times throughout this process. But that guy was prepared, and he basically had enough of Dick — enough of Dick's pretrial statements in the press, enough of the grandstanding. And he went toe to toe with Dick, which is unusual. And Dick, as you saw, got red-faced at times.

[00:28:51] **Liz Farrell:** What was that about? That was because Creighton was coming back at him, that was why he got red-faced?



EPISODE 6: Leading Up To The War

[00:28:55] **Eric Bland:** Yeah, Dick. Listen, Dick's a bully. And the only way you deal with a bully is you slap 'em in the face. And when you slap Dick in the face, he did stand down. He didn't fight back. You know, Dick's got an acid tongue and he can lay you out, but if you slap him hard enough or you make him look like he is unprepared or he's wrong, he gets flustered just like any other human being. And he got flustered in there. Creighton did his job. But at the end of the day, they learned a lot. The defense learned a lot about what the case is that the prosecution is going to bring. And Dick is earning his buck.

[00:29:35] **Liz Farrell:** But does that mean that Creighton fell for it or does it mean that Creighton went for it?

[00:29:40] **Eric Bland:** He had to respond. He had to respond to where this, you know, if he stood idle and mute, the judge could have ruled in Dick's favor. But he was very clear and concise. We've turned this over now, we've turned this over before. We don't have to do this until we get back these tests. He gave dates of when he was asked for the information and he kept saying, "Jim, isn't that right?" "Jim, didn't I give you this?" "Jim, didn't we meet?" And Jim Griffin to his. Did acknowledge that Creighton was complying with his discovery obligations. Look, Dick is, again, screaming from the rooftops. And the more he says it, the louder he says it, he's hoping that people will believe it's true.

[00:30:25] **Liz Farrell:** Speaking though of Jim, Mandy, what did you make of Jim during that hearing?

[00:30:31] **Mandy Matney:** The first time, my overall conclusion was that he was stumbling and fumbling a lot. And again, I think it kind of goes back to, I don't think Dick and Jim expected Creighton to fire back in the way that he did. Again, I now understand more that the point of the hearing was to get Creighton to lay out his cards on the table. But I think there was several times where Creighton laid out the cards and Jim would immediately change the subject. And he would say like, and he would just kind of get quiet and then say, well, next motion is blah, blah, blah. And I thought that was very telling because I mean, with Jim, I'm wondering if something is going on with him. I'm wondering if he is thinking maybe my client is actually guilty and maybe I have put all of my, what is it, marbles in the wrong basket. Like I think he has invested so much and believed in Alex. And I get it. Alex was his friend for a really long time, and I can't imagine the thought of one of your good friends



EPISODE 6: Leading Up To The War

murdering your wife and son. You have to believe, you don't want to believe that they could possibly do that.

[00:31:52] **Eric Bland:** We cannot as lawyers do that. We cannot because then we lose our objectivity. Remember, we have to be 100% focused and 100% dedicated to our client.

[00:32:03] **Liz Farrell:** So what happens, Eric, then when you see evidence that your client is guilty as a defense attorney? Like what happens?

[00:32:10] **Eric Bland:** Jim's job is to make the government prove its case. Now, Jim is on the Dick train. Jim has hitched his wagon to Dick for a lot of years. They do a lot of cases together. They're extremely close. And Jim thinks that Dick will be able to pull that rabbit out of the hat, the proverbial rabbit out of the hat. But again, what Dick did worked to some extent. But Dick cried wolf. And it's the second time he's cried wolf with this judge. The first time was when he had a press conference and then went to the court and said, they're not turning over discovery and I want them to be sanctioned. It's a violation. I served this 30 days ago. We haven't gotten anything. Creighton Waters came in and explained to the judge in early September or late August, whenever it was, this is where we are. I turned over this, this is coming, and Judge Newman didn't sanction, didn't grant the motion then. Now, we have this hearing last week. Dick again. Oh, it's a polygraph. We didn't get it. My client's improperly charged. They're committing discovery violations. They're not giving us Brady material. Again, Judge Newman heard everything and denied. So what you're starting to see from Dick is he's crying wolf.

[00:33:27] **Liz Farrell:** Do you think Judge Newman's getting annoyed by that?

[00:33:30] **Eric Bland:** Yes. Yes. Now, you're starting to get to the core of it. You can't do that over and over again to this trial judge who's going to sit there and listen to the case because, remember, the judge works for the state, and the judge is only going to take so much of Dick saying that the prosecutor are abusing their discretion or doing something in violation of the rules of professional conduct, the rules of criminal procedure, or being unethical. The judge is only gonna take that so much. Remember, Creighton Waters, at the end of the day, is a public servant. He's a public servant and he's representing the state. But Creighton Waters wants to be a public servant and he's doing a good job. And the fact of the matter is Dick can only make these kind of



EPISODE 6: Leading Up To The War

motions a couple times before the judge is gonna say, Mr. Harpootlian, why don't you get ready for this trial and I'll see you in January.

[00:34:35] **Mandy Matney:** And we'll be right back.

[00:34:45] **Liz Farrell:** I wanna go back to what Mandy was saying, too, about Jim's personal connection with the Murdaugh family or at least with Alex because I do think that Jim has taken a role as sort of the softer of the two in the sense of, I think he, I mean, it's clear from the jailhouse tapes that he is the liaison for the family in terms of, you know, there were a couple times that you would hear Alex say, well, did you talk to Jim? Called Jim? Did you talk to Jim? So I think, you know, he, and think about Buster, I mean, he's left with nothing right now, right? He has no family, direct family anyway. And I wonder if in some sense, Jim has been providing that role.

[00:35:27] **Mandy Matney:** Sorry, Luna is, I'm sorry. Luna is like —

[00:35:30] **Liz Farrell:** What did she do?

[00:35:31] **Mandy Matney:** Crying into the microphone.

[00:35:34] **Liz Farrell:** Oh, I don't know what that was going.

[00:35:37] **Mandy Matney:** So let me just get her.

[00:35:39] **Eric Bland:** Well, I'm gonna give you some breaking news after you're done.

[00:35:41] **Liz Farrell:** Well, we wanna hear that breaking news now.

[00:35:42] **Mandy Matney:** Go ahead, Eric. Sorry.

[00:35:44] **Eric Bland:** Well, you just mentioned Buster, you know. Poor Buster. He's facing the, you know, the prospect of going forward in life without a mother, without a brother, and a father that could be in jail for the rest of his life, and a name that's a pariah. He's also going forward without any money because I learned last week that Alex is going to totally deplete his IRA. And at his age, at 54 years old, there's a 50% penalty when you take your entire IRA



EPISODE 6: Leading Up To The War

out. And he's gonna give a lot of that money with the consent of the receiver to Dick and Jim for attorney's fees and costs. And by the way, the costs in this kind of case are exorbitant. The expert witness costs alone will be two to \$300,000 or more. And the remaining money is gonna go to the victims' fund that I'm a part of for the clients that I represent. So he's now depleting his entire IRA. All the other savings are gone. Yes, there's a trust that his father put in place, but poor Buster is going through life now without a father, without a mother, without a brother, a name that's a pariah, and all the family money being washed away in attorney's fees and costs. This is what Alex Murdaugh did to his son. Not forgetting what he may have done to Paul and what he may have done to his wife, but this is what he did to his living son.

[00:37:13] **Liz Farrell:** Right. And I think I will say, I mean, from what our sources have told us, Buster does have a trust fund that was set up for him and it's one, I think it's irrevocable trust, so he does get, you know, money to live off of and what have you. But —

[00:37:29] **Eric Bland:** Okay. I didn't know that.

[00:37:30] **Liz Farrell:** Your point is well taken though.

[00:37:32] **Mandy Matney:** Circling back to something that was said earlier, this kind of just popped in my head as a light bulb moment. Isn't it funny that at the beginning of all of this several times in court, Dick described Alex as this poor, what word did he use for poor?

[00:37:49] **Liz Farrell:** Impecunious.

[00:37:51] **Mandy Matney:** Impecunious. And he hasn't said that in a really long time. Isn't that funny?

[00:37:58] **Eric Bland:** I would love to be impecunious with a \$4 million trust fund.

[00:38:01] **Mandy Matney:** Yeah. And again —

[00:38:04] **Eric Bland:** Tell that to the mother that's working three jobs, that's, you know, driving in a car that doesn't have a muffler.



EPISODE 6: Leading Up To The War

[00:38:09] **Liz Farrell:** Or any of the people he stole from.

[00:38:11] **Mandy Matney:** Right. Exactly. Tell that to majority of Hampton County. I think it's very telling. I think Dick kind of learned his lesson there and backed off 'cause we kept calling him out on that.

[00:38:22] **Eric Bland:** I think you raised the most poignant thing that I've heard in months, which is if he knew that Eddie killed his wife and son, why would he ever associate with them again? Why would he continue to give him checks after June 7th of 2021? Why would he continue to associate with him and get him to shoot him for insurance on Labor Day? I think that's the most brilliant thing I've heard in months.

[00:38:47] **Mandy Matney:** And think about it, too. I mean, Eric, if somebody shot Renee and your son —

[00:38:54] **Eric Bland:** I'd kill him.

[00:38:55] **Mandy Matney:** Well, but think about your mindset in those months afterwards. You would just be, but you would constantly be suspicious of everyone around you, right?

[00:39:03] **Eric Bland:** I'd kill him.

[00:39:04] **Mandy Matney:** I know you would kill them.

[00:39:05] **Eric Bland:** I would lose my mind.

[00:39:06] **Mandy Matney:** You would think, you would just be night and day, could it be that guy? Could it be that guy? And you'd think you'd have a list in your head of the super sketchy people that you are around and the possibility of them —

[00:39:19] **Eric Bland:** Pardon me, why didn't Dick and Jim, beginning in the fall of 2021, why didn't they start saying, "It's Eddie"?

[00:39:29] **Liz Farrell:** I feel like they're tempting fate with Eddie. They're tempting fate with him, right? Because how many times can you say, Eddie



EPISODE 6: Leading Up To The War

did something before Eddie's like, well, you know what? I got some truth to tell.

[00:39:39] **Eric Bland:** Yeah, I've had enough. Well, obviously he's been talking, but he hasn't been talking to the extent that the state wants him to or he's so infected that even if he's telling the truth, it's never gonna resonate in court because he's got so much that, you know, he could be cross-examined on. Dick knows that Eddie was such a woven, intricate part of Alex's life that nobody's gonna believe that Eddie just decided I'm gonna drive out to Moselle when Alex is somewhere else and I'm just going to take out his wife and kid.

[00:40:15] **Liz Farrell:** Right. It's not believable.

[00:40:17] **Eric Bland:** Why would he do that? He was get, wait a minute. Stop. He was getting paid ten to \$20,000 a week with checks. The week, the checks, he got a check the week before.

[00:40:30] **Mandy Matney:** And no one was looking at any of that.

[00:40:32] **Eric Bland:** And he got checks after. So why is he going to do that? What would make it?

[00:40:36] **Liz Farrell:** So It's not like the checks were drying up and he, you know, took it out on. Yeah, they kept coming.

[00:40:41] **Mandy Matney:** Yeah, and let's be real here. If it was somebody like Eddie or anybody of a lower status than the Murdaughs, this thing would've been sign, sealed, and delivered a long time ago. Like I really believe that we would've had charges brought a heck of a lot sooner and the ball would've been rolling a long time ago because somebody like Eddie would've been real, a lot sloppier. And I mean, it just does not make any sense. I mean, granted —

[00:41:15] **Eric Bland:** Are we missing something? Are we all missing something? Because I have this nagging question and I keep asking myself, Dick Harpootlian did not need to do this. Jim Griffin did not need to do this. I get it that Dick is drawn to the light just like a moth is to the flame that whenever there's cameras, he's gotta be there. I get it that this has such an



EPISODE 6: Leading Up To The War

interest to the world and he wants to be part of it. But if he loses, if he loses this trial, if Alex goes down for every single financial crime, Dick Harpootlian's last legal memory in the public will wipe out 40 years of amazing work. Why is he doing it? I can't get an answer to that.

[00:42:04] **Mandy Matney:** I have realized something about a lot of powerful people and Good Ole Boys, quote unquote, in the last year, and that is they double down on their bad decisions, typically. I think it's very, very hard for a person like Dick Harpootlian to realize that they are wrong. a.) They're not used to being wrong, and b.) They're not used to being called out on.

[00:42:28] **Eric Bland:** Yeah, no doubt.

[00:42:29] **Mandy Matney:** So they don't know what to do and their instincts are to keep going in the same direction.

[00:42:36] **Eric Bland:** You're sharp, Mandy Matney. You came up with really good things today.

[00:42:40] **Mandy Matney:** But it's crazy, I mean.

[00:42:42] **Eric Bland:** You're right. Egomaniacs double down on bad decisions. I'm gonna start using that.

[00:42:46] **Mandy Matney:** Yeah, and they think that they can get out of it. They believe that because their entire lives they have. Dick has gotten out of every mess that he's gotten himself into. And I think they also kind of like get a rise out of getting out of things like this. I think Dick thinks it's a challenge, and I think that he's too far in to duck out. And again, like I really learned, and I don't wanna make this about me or anything, but like I couldn't believe the amount of people last year when he made those sexist comments about me in court. I mean, I would say a thousand people reached out to him in some way, which is Twitter, Instagram, whatever, and said like, what are you doing? Apologize, apologize, apologize.

[00:43:32] **Eric Bland:** Because you're a heroine to so many people, Mandy.

[00:43:37] **Mandy Matney:** Well, I appreciate that. But he does not care.



EPISODE 6: Leading Up To The War

[00:43:40] **Eric Bland:** No, Dick does not care.

[00:43:41] **Mandy Matney:** But I stood there. I was thinking like, why doesn't this guy just call me on the phone and say that he's sorry and like that's that. And what I learned from that is, again, he's never had to apologize in his entire life and he is not going to learn now. And —

[00:43:58] **Liz Farrell:** He sees it as a sign of weakness, too, so.

[00:44:00] **Mandy Matney:** He sees it as a sign of weakness whereas I see a apologies as a sign of strength. If somebody admits that they're wrong, I have way more respect for them. It's a lot harder to admit that you're wrong than to double down on the wrong thing, if that makes sense.

[00:44:17] **Liz Farrell:** I think you're right. And I think in wrapping this up, I wanted to say, you know, I wanted to ask you, Eric, have you ever seen a hearing like this before? I mean, I think that the word that Dick and Jim put out on the street is that, you know, every hearing they have, you're gonna wanna be there 'cause it's gonna be dramatic. I mean, is this unusual or is like you as a lawyer?

[00:44:36] **Eric Bland:** No, no. I had, I tried a murder case with Greg Harris and Johnny Gasser, who used to be the solicitor of fifth circuit, and we, you make motions like this all the time. You, you know, you constantly want to accuse the state of not turning over all the evidence. And again, it's not like discovery in a civil case where I ask specific questions, turn over the tax returns. I need you to turn over your financial statements. I need you to turn over your cellphone records. They're not specific requests. You're basically asking the state to turn over their entire file of exculpatory information that could benefit our client, that could benefit our client, and inculpatory information that could show that our client's guilty. And the standard isn't, what evidence is admissible? The standard is, does it lead to admissible evidence? So just because they're turning it over doesn't mean it's admissible in a court of law. But it could lead to the discovery of evidence that becomes admissible. So it's not a precise method of turning documents over. It's kind of like an art. And so, there's always this give and take. The defense says you're not turning it over enough. The state, just like Creighton says, we're over producing. We're being cautious, and we're producing stuff that ordinarily we don't wanna produce. And what ends up happening it's like a funneling process and you



EPISODE 6: Leading Up To The War

get all this information and you dump it in a funnel. And then it gets skinny down to the bottom and the judge determines what comes in. And so, that's what this process is. It's leading up to the war. So I'm gonna leave this, you know, I know we're wrapping it up. I'm gonna ask this question. We asked it about Russ Laffitte. Do you think the trial's gonna go forward? It looks like it is. I'm gonna ask you. Do you think Alex is ever gonna plead guilty or is this going to trial?

[00:46:30] **Mandy Matney:** Yeah, we go back to ego, right? Good Ole Boys double down. And I think that —

[00:46:36] **Eric Bland:** If he pleads, Dick's gonna look awful foolish, right?

[00:46:39] **Mandy Matney:** Oh, absolutely. And I think that all of them still think that they can get out of this. I think that they believe that they can worm their way out of this. It's crazy for the rest of us. But —

[00:46:47] **Eric Bland:** Alex thinks he's gonna worm his way out of the financial cases?

[00:46:50] **Mandy Matney:** You never know with him. But I mean —

[00:46:53] **Liz Farrell:** I think he thinks he's gonna get a nice deal. For sure.

[00:46:55] **Mandy Matney:** Yeah. And I would give it like maybe a 2% chance of him possibly pleading to murder, to the murder, yeah. What do you think, Liz?

[00:47:05] **Liz Farrell:** I absolutely don't think he's going to plead to murder because I think in hearing the jailhouse calls, this man has convinced himself that he did not murder them. If he did murder them. I guess that. Allegedly. I guess, how do you say that? Like if he did murder them, he certainly seems like he has convinced himself that he didn't, so I just don't see him pleading guilty. And that would be awful for Buster, right? Like you'd be, he would be admitting that he did basically the worst thing that someone could do.

[00:47:35] **Eric Bland:** All I can tell you is, and I'm biased, but I represent Alania Spohn and Hannah Plyler, and they're gonna be witnesses in Russ Laffitte's trial. I'm just telling you that girl is gold. That girl's articulate. That girl has a story to tell. And that girl's gonna connect with the jury. That's all I can tell you.



EPISODE 6: Leading Up To The War

[00:48:17] **Outro:** This Cup of Justice bonus episode of the Murdaugh Murders Podcast 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. Produced by Luna Shark Productions.

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