

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

- - -

THE UNITED STATES OF AMERICA, : 9: 22-cr-658  
:  
versus : August 1, 2023  
:  
RUSSELL LUCIUS LAFFITTE, : (Pages 1 - 206)  
:  
Defendant. :  
:

- - -  
TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE RICHARD M. GERGEL  
UNITED STATES DISTRICT COURT JUDGE  
- - -

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1                   *(The following proceedings commenced at 10:00 a.m.)*

2                   THE COURT: Good morning. Please be seated.

3                   MS. LIMEHOUSE: Good morning, your Honor.

4                   THE COURT: I see a standing lawyer. Is the  
5 government ready to call its next case.

6                   MS. LIMEHOUSE: I hope so, your Honor. Emily  
7 Limehouse, on behalf of the United States. We're here in the  
8 matter of United States of America vs. Russell Lucius  
9 Laffitte; criminal docket number 9: 22-658. Mr. Laffitte is  
10 here today, represented by his attorneys, Mr. Mark Moore and  
11 Mr. Michael Parente. We're here for purposes of sentencing.

12                   THE COURT: Thank you very much.

13                   Well, which of these able defense lawyers is going to  
14 be doing most of the speaking.

15                   MR. MOORE: Well, your Honor, I'm going to be doing  
16 some, but I think you'll be happy to know that I'm not going  
17 to be doing it all, okay? And so, Mr. Parente and Ms. Shoun  
18 will be --

19                   THE COURT: You brought the A team out here today  
20 with Ms. Shoun, huh?

21                   MR. MOORE: You know, I thought that I needed really  
22 good able help. And she's one of the best lawyers I know.

23                   THE COURT: Well, and not to say that Mr. Parente is  
24 chopped liver either. Okay. Good to have everybody here.

25                   Ms. Shoun, good to see you.

1 MS. SHOUN: Thank you, your Honor.

2 THE COURT: Yes, Ms. Limehouse.

3 MS. LIMEHOUSE: We would like to put a matter on the  
4 record, your Honor, if we may, to kind of deal with some *Fry*  
5 issues that may pop up in the future, to prevent those, your  
6 Honor.

7 THE COURT: Okay.

8 MS. LIMEHOUSE: After the defendant retained Mr.  
9 Moore to represent him in these proceedings, we engaged in  
10 some negotiations contemplating a joint resolution to this  
11 case. Of course, it was not a plea in the traditional sense  
12 because Mr. Laffitte had already been convicted by a jury.  
13 But the idea was that we would propose a joint resolution to  
14 the Court. In exchange for that joint resolution, the  
15 defendant was going to make some concessions, most  
16 importantly, admissions to the government as well as to the  
17 Court, agreement to pay restitution, and to waive certain  
18 rights he has to contest his conviction and sentence. We'd  
19 like to put those offers on the record, your Honor, and have  
20 him confirm verbally that he was advised of those offers and  
21 rejected them, so that we can prevent any claims about those  
22 offers in the future.

23 THE COURT: Ms. Limehouse, before we do that.

24 Ms. Perry, can we swear the defendant, please.

25 *(Defendant sworn.)*

1 THE COURT: Very good. Okay. Ms. Limehouse,  
2 proceed.

3 MS. LIMEHOUSE: Thank you, your Honor.

4 Over the last few months, we extended two separate  
5 offers. The first offer was a joint sentencing recommendation  
6 to a sentencing range of 70 to 78 months. The government was  
7 agreeing to recommend a term of 72 months' incarceration. And  
8 we were going to recommend that that term be served concurrent  
9 to any time he received in the state system for similar  
10 conduct. In exchange for this recommendation, the defendant  
11 would agree to waive all of his post-conviction rights, and  
12 that includes an appeal and 2255, and he would further waive  
13 any ineffective assistance of counsel claims that he has  
14 against his prior attorneys. If the Court refused to impose a  
15 sentence within this range, he would be able to appeal his  
16 sentence and have those rights to contest his conviction and  
17 sentence under 2255. This offer was contingent, however, on  
18 the defendant taking full responsibility for his actions and  
19 being able to be truthful with the government regarding his  
20 conduct.

21 The second offer, your Honor, was a recommended  
22 sentence range of 70 to 87 months, with the government  
23 recommending an 87-month sentence. Unlike our prior offer,  
24 the defendant was not required to make admissions, but he  
25 would have to make full restitution to all of the victims

1 within 60 days of the sentencing, including by liquidating his  
2 assets, if necessary. He would also agree to withdraw all of  
3 his objections to the presentence report. In exchange for  
4 this sentencing recommendation, he would have to waive all of  
5 his appellate and 2255 rights, including an ineffective  
6 assistance of counsel claim against his prior counsel.

7 THE COURT: Okay. Mr. Laffitte, good morning, sir.

8 THE DEFENDANT: Good morning.

9 THE COURT: I want to confirm that you were aware of  
10 both offer number one and offer number two.

11 THE DEFENDANT: I was.

12 THE COURT: And you had the opportunity to consult  
13 with able counsel concerning your decision?

14 THE DEFENDANT: Yes, sir, I was.

15 THE COURT: And you made the decision to decline to  
16 accept those offers; is that correct, sir?

17 THE DEFENDANT: That is correct.

18 THE COURT: Very good. Thank you, sir.

19 MR. MOORE: Your Honor, can I just say one thing  
20 about that, if you don't mind?

21 THE COURT: Yes, sir.

22 MR. MOORE: I agree with Ms. Limehouse's summary of  
23 the offers. Obviously, Mr. Laffitte chooses to -- he wishes  
24 to maintain his appellate rights and his 2255 rights. That is  
25 his decision, obviously. And so --

1 THE COURT: Mr. Moore, let me make it very clear to  
2 you. I am not a Judge who punishes a defendant for exercising  
3 his constitutional right to a jury trial or to maintain his  
4 rights for appeal. And though we put on the record, for *Fry*  
5 purposes, the offer and the confirmation that he received it,  
6 but it has no weight in my sentencing decision.

7 MR. MOORE: No. And, your Honor, I completely  
8 understand that. I knew that well before I walked into the  
9 courtroom. I simply wanted, for clarification purposes, to  
10 note that I've had detailed discussions with him; we've had  
11 detailed discussions with him. I just simply wanted to tell  
12 your Honor why he's choosing not to take those offers.  
13 There's also -- and Ms. Limehouse is correct that the offer  
14 was a recommendation of a concurrent sentence in the state  
15 system, if he pled guilty in the state system. But we didn't  
16 have sort of a package deal, if you will, with the state at  
17 that point. And so, I just simply tell your Honor those  
18 things to give your Honor just a little more information for  
19 the purposes of the record and the purposes of the record  
20 only.

21 THE COURT: You know, Mr. Moore, I've always been  
22 perplexed a bit when I sentence first about whether I can bind  
23 a state judge to make something concurrent anyway, because  
24 it's the state's prerogative.

25 MR. MOORE: Yes, sir.

1 THE COURT: And if you had asked me that question, I  
2 would have made it clear that, though I could recommend it to  
3 a state colleague, normally, to avoid that problem -- as you  
4 know, you're experienced in this -- would be to have a global  
5 resolution with state and federal court. But had that offer  
6 come in front of me, I would have made it clear to the  
7 defendant that I had no authority to bind a state judge.

8 MR. MOORE: Yes, sir. And I completely understand  
9 that. And I actually explained that to Mr. Laffitte.

10 THE COURT: Very good.

11 MR. MOORE: Okay.

12 THE COURT: Very good. Okay. Mr. Moore, I want to  
13 confirm, sir, that you've had a chance to review the  
14 presentence report?

15 MR. MOORE: We have. We have had an opportunity to  
16 review the presentence report and its addendums. And we have  
17 some objections. We have a couple that we have notified  
18 your Honor -- I think to the probation officer and the  
19 government -- that we have withdrawn. But we --

20 THE COURT: Well, we're going to go through that.

21 MR. MOORE: Yes, sir.

22 THE COURT: And I want to confirm you've had a chance  
23 to speak to your client concerning those objections.

24 MR. MOORE: I have. And my client has had an  
25 opportunity to read the presentence report and read any and



1 all addendums.

2 THE COURT: Very good.

3 Mr. Laffitte, sir, I want to confirm that you've had  
4 a chance to review the presentence report?

5 THE DEFENDANT: I did, your Honor.

6 THE COURT: And you've had a chance to consult with  
7 your counsel concerning that report?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And those objections?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Very good. Okay.

12 Mr. Moore, because there are numerous objections,  
13 we're going to go through this real slow. You're going to  
14 identify each objection, and you're going to refer me to a  
15 paragraph number, because I've got to respond to the  
16 objections. And if Mr. Parente is standing up because he  
17 knows it and you don't, that's fine with me too.

18 MR. MOORE: He's probably going to help me, because  
19 he is going to be the one who's going to deal with the  
20 objections themselves, your Honor.

21 THE COURT: That's fine.

22 MR. MOORE: We are withdrawing an objection to the --

23 THE COURT: Let's go through the ones you are  
24 objecting to and then we'll just say everything else, those  
25 are the objections. Let's have a finite list of these

1 objections which you have.

2 MR. MOORE: Then I'm going to let Mr. Parente address  
3 that, your Honor.

4 THE COURT: Okay.

5 Good morning, Mr. Parente.

6 MR. PARENTE: Good morning, your Honor.

7 THE COURT: He gives you all the fun job, doesn't he?

8 MR. PARENTE: Yes, sir. And, your Honor, just for  
9 clarification, when you say "reference to a paragraph," you  
10 mean in the revised PSR; is that correct?

11 THE COURT: Yes, in the revised PSR.

12 MR. PARENTE: Okay. So, your Honor, our first  
13 objection relates to the sophisticated means of the scheme  
14 that is referenced in paragraphs 142, 163 and 172 of the  
15 revised PSR.

16 THE COURT: Okay.

17 MR. PARENTE: And would your Honor like to hear --

18 THE COURT: I want to get a list, and then what we're  
19 going to do -- the format we will use is, I will hear from  
20 defense on their -- explain their objection, I will hear from  
21 the government concerning its response, and I will rule  
22 objection by objection, okay?

23 MR. PARENTE: Okay. Thank you, your Honor.

24 So, continuing with the list, the second objection  
25 that we're maintaining is abuse of position of trust.

1 Enhancement is noted in paragraphs 146, 166, and 174 of the  
2 revised PSR.

3 THE COURT: I'm sorry. 146?

4 MR. PARENTE: 146, 166 and 174.

5 THE COURT: Okay. Good.

6 MR. PARENTE: And, your Honor, the final objection  
7 relates to advocating for a mitigating role reduction, which  
8 was not referenced in the PSR. And that is an objection that  
9 we raised with the probation office.

10 THE COURT: And, Mr. Parente, are there any other  
11 objections that you are asserting to the presentence report?

12 MR. PARENTE: We also have objections to the loss  
13 amount, your Honor --

14 THE COURT: Okay.

15 MR. PARENTE: -- as well as the restitution, fine,  
16 and forfeiture amounts.

17 THE COURT: Loss amount. Okay.

18 MR. PARENTE: And those amounts for loss are included  
19 in paragraph 144 of the PSR.

20 THE COURT: And in regard to the loss objection -- by  
21 the way, you object to loss, the restitution, and the fine; is  
22 that correct?

23 MR. PARENTE: And there was a forfeiture -- this  
24 might have been separate from the PSR, but there was a  
25 preliminary order of forfeiture filed by the government that

1 we also object to.

2 THE COURT: Okay. Now, for the loss amount, tell me  
3 specifically what matters in the loss amount that there is an  
4 objection.

5 MR. PARENTE: So, your Honor, I think we have a  
6 global objection to the total loss amount. And I will be  
7 prepared to go into detail on the loss amounts. I believe our  
8 main objection is to the \$680,000 payment as double counting,  
9 as the full amount of the settlement is also included, as we  
10 detailed in our sentencing memorandum.

11 THE COURT: Are there any other objections to the  
12 loss amount?

13 MR. PARENTE: We have an overall objection to the  
14 amount of the settlements being attributed to Mr. Laffitte.

15 THE COURT: Well, you need to be specific, Mr.  
16 Parente. What are your objections?

17 MR. PARENTE: Yes. So, the \$325,000 settlement.

18 THE COURT: That's Natasha Thomas?

19 MR. PARENTE: Yes, your Honor.

20 THE COURT: Okay.

21 MR. PARENTE: Related to Hakeem Pinckney, it's  
22 \$309,581.46.

23 THE COURT: Okay. What else?

24 MR. PARENTE: And related to the Arthur Badger case,  
25 it's \$1,325,000.

1 THE COURT: Okay. Any others?

2 MR. PARENTE: In terms of the fees that Mr. Laffitte  
3 received in those cases, we are withdrawing our objection in  
4 terms of restitution for those amounts. And Mr. Moore will  
5 discuss that. But as far as the loss amounts go, we're  
6 objecting to those being included as intended losses.

7 THE COURT: Anything else?

8 MR. PARENTE: And, your Honor, the final two  
9 objections are to the \$284,787.52 line of credit and the  
10 \$750,000 loan.

11 THE COURT: Anything else?

12 MR. PARENTE: That covers all the loss amount,  
13 your Honor.

14 THE COURT: Any other objections?

15 MR. PARENTE: And --

16 THE COURT: We're going to deal with restitution  
17 separately.

18 MR. PARENTE: Yes. Restitution is similar.

19 THE COURT: And I'm going to deal with restitution,  
20 fines, and forfeiture separately.

21 MR. PARENTE: Yes, your Honor. So, those are all of  
22 the --

23 THE COURT: So, that's the list of all objections to  
24 the PSR; is that correct?

25 MR. PARENTE: Yes, your Honor. That's correct.

1 THE COURT: Okay. So, let's go from the top.  
2 Sophisticated means. Let me hear the argument regarding why  
3 the defense objects.

4 MR. PARENTE: Yes, your Honor. So, the government  
5 argues that this enhancement applies because the scheme  
6 involving Mr. Murdaugh was complex. It involved shell  
7 companies, it involved deceiving judges, lawyers, his law  
8 partners and others in order to execute and conceal the  
9 scheme. However, it's important to note that Mr. Murdaugh was  
10 the one who hid the thefts from everyone. He hid it from law  
11 enforcement, from the victims, from his law partners, from the  
12 courts, and he hid it from Mr. Laffitte. Everyone, including  
13 Mr. Laffitte, were shocked to learn about those crimes when  
14 they were uncovered. Mr. Murdaugh may have used Mr. Laffitte  
15 in order to execute and conceal the scheme, but as Mr.  
16 Murdaugh testified in his state court trial, he did not inform  
17 Mr. Laffitte of the means of the scheme. The scheme may have  
18 been sophisticated as it related to Mr. Murdaugh and how he  
19 moved money around, but Mr. Laffitte did so unknowingly,  
20 unintentionally, and it was not foreseeable to Mr. Laffitte  
21 that those means were being used.

22 Your Honor, the Fourth Circuit makes it clear that  
23 sophistication requires more than just concealment and  
24 complexities that are inherent in the fraud itself, and that  
25 fraud, per se, is inadequate for demonstrating the complexity

1 of the scheme. Your Honor, there's inherently an aspect of  
2 concealment in all fraud cases, as well as this one, and the  
3 Fourth Circuit has recognized as much, specifically for bank  
4 fraud cases. Virtually, all bank fraud cases involve some  
5 level of misrepresentation and hiding of assets and  
6 misrepresentations to banking institutions. As I mentioned,  
7 Mr. Murdaugh did not disclose the fact that he was stealing  
8 the settlement proceeds to Mr. Laffitte. And that disclosure  
9 does not constitute a finding of sophisticated means as it  
10 applies to Mr. Laffitte.

11 In terms of concealment, the government introduced  
12 much evidence during the trial that came from Mr. Laffitte's  
13 work e-mail, came from Mr. Murdaugh's work e-mail as well.  
14 And using that, they were openly discussing the checks and  
15 amounts and things like that. There was not that added level  
16 of concealment required for the sophisticated means  
17 application here. The concealment that the government  
18 discusses in their sentencing memo is inherent in the  
19 underlying conviction itself. And they're predicated on the  
20 idea that Mr. Laffitte didn't have authorization from the  
21 Board or the full executive committee to make certain loans or  
22 payments. And I believe the government argues that those same  
23 facts that led to the conviction are now constituting a  
24 sophisticated scheme enhancement.

25 THE COURT: Very good.

1 MR. PARENTE: Thank you.

2 THE COURT: From the government?

3 MS. LIMEHOUSE: Thank you, your Honor. I'll first  
4 sort of address the specific objections claiming that these  
5 are all Mr. Murdaugh's actions, that Mr. Laffitte didn't have  
6 any knowledge of them.

7 THE COURT: I think I heard that at trial, Ms.  
8 Limehouse.

9 MS. LIMEHOUSE: I heard it a few times, and I think  
10 the jury heard it, most importantly, and squarely rejected it.

11 THE COURT: And if he was completely uninformed and  
12 had no intent, the jury would have acquitted him.

13 MS. LIMEHOUSE: And that's correct, your Honor. He's  
14 been convicted here today of conspiring with Mr. Murdaugh to  
15 the steal funds from Mr. Murdaugh's clients. That's why we  
16 are here. And so, these general objections that try to  
17 relitigate his guilt shouldn't take the day, to begin with.

18 When we talk about the specific sophistication of  
19 both the scheme with Mr. Laffitte and Mr. Murdaugh, as well as  
20 Mr. Laffitte's own conduct with respect to Counts 4 through 6,  
21 we are talking about the highly complex and sophisticated  
22 scheme that spanned more than eight years. And this  
23 sophisticated and complex scheme involved vulnerable  
24 individuals, misrepresentations to courts, law partners, bank,  
25 family members, and the vulnerable victims themselves. They



1 made misrepresentations in court documents to get Mr. Laffitte  
2 appointed to serve as a conservator and personal  
3 representative for some of these vulnerable individuals. And  
4 those misrepresentations made these crimes possible. They  
5 then directed law firm employees and staff members to draft  
6 checks in a certain way to further the conspiracy and to allow  
7 them to conceal their conduct. He structured transactions for  
8 Mr. Murdaugh to avoid reporting requirements. I think if you  
9 look at the way that Mr. Laffitte and Mr. Murdaugh structured  
10 Natasha Thomas's \$25,000 check -- and that's Government's  
11 Exhibit 198, slide 9 -- you see what is indicative of this  
12 entire scheme, which is Mr. Murdaugh presenting a check to Mr.  
13 Laffitte; that check is, of course, over \$25,000 and would  
14 trigger reporting requirements by Mr. Laffitte as a bank  
15 executive, bank employee, if he were to cash that check that  
16 day. So, instead of cashing that check, he issues a money  
17 order, and then he allows Mr. Murdaugh to take less than  
18 \$10,000 in cash on that same day.

19 THE COURT: Remind me which check that was.

20 MS. LIMEHOUSE: That's the \$25,245.08 check.

21 If we could pull up Government's 198, please, slide  
22 number --

23 THE COURT: And the victim there is?

24 MS. LIMEHOUSE: Ms. Natasha Thomas.

25 THE COURT: Yes. Okay.

1 MS. LIMEHOUSE: And this is Government's 198,  
2 admitted during the trial, slide number nine.

3 What we see is on August 29th of 2012, Mr. Murdaugh  
4 presents the \$25,000 check from Natasha Thomas to Mr.  
5 Laffitte. And rather than allowing him to cash out that  
6 \$25,000 check in full, which would require Mr. Laffitte to  
7 report that transaction, he splits it up into two separate  
8 transactions, issuing a \$16,000 money order and allowing Mr.  
9 Murdaugh to take \$9,000 in cash, just under that \$10,000  
10 reporting requirement. And then he comes back the next day  
11 with that \$16,000 money order, and he, again, splits it in  
12 two. And he allows him to take out \$9,000 again, just under  
13 the \$10,000 reporting requirement, and then he issues another  
14 money order for just over \$7,000. And then that \$7,000 money  
15 order is negotiated five days later. And that, to the  
16 government, is just indicative of the scheme as a whole. Mr.  
17 Laffitte is using his position as a bank executive and bank  
18 employee to allow Mr. Murdaugh to steal funds in a complex and  
19 sophisticated way that conceals the conduct itself.

20 When we talk about the way these funds were stolen,  
21 not just the \$25,000, but all of the funds stolen from Hakeem  
22 Pinckney, Natasha Thomas and Arthur Badger, all of these  
23 checks were drafted to the Palmetto State Bank.

24 THE COURT: Yeah. Talk about the 1.325 check that  
25 was broken up, as instructed by the defendant.

1 MS. LIMEHOUSE: That's correct, your Honor. So, we  
2 know that in November of 2012 -- November 19th, to be exact --  
3 Mr. Arthur Badger signed the disbursement sheet. Mr. Laffitte  
4 testified during his bond hearing that he did, in fact, see  
5 that disbursement sheet, which showed that he, at the Palmetto  
6 State Bank, would receive \$1,325,000 to structure a settlement  
7 for Mr. Badger, and that he would also receive \$35,000 as  
8 personal representative. Even though he wasn't a personal  
9 representative for Arthur Badger, he would be receiving  
10 \$35,000. That same day, November 19th, e-mails between Mr.  
11 Murdaugh and Mr. Laffitte show that they met at the bank, and  
12 then the following day, November 20th, Mr. Laffitte negotiates  
13 his \$35,000 personal representative fee that he took from that  
14 settlement.

15 And if you fast forward a couple months to February  
16 of 2013, Mr. Murdaugh e-mails Mr. Laffitte and asks that he  
17 e-mail him separately to request that law firm staff recut  
18 check number -- check number totalling \$1,325,000 and lists a  
19 couple amounts. And he also requests that Mr. Laffitte do  
20 some math for him on loans that he owes to Hannah Plyler, that  
21 Mr. Laffitte extended from his conservatorship account.

22 If we can pull up Government's 38, please?

23 And this is the e-mail that Mr. Laffitte then sends  
24 to Mr. Murdaugh separately. So, he starts a whole new e-mail  
25 chain after doing the math at Mr. Murdaugh's direction and

1 request. And he asks him to recut the check in these  
2 following amounts. And then Mr. Murdaugh sends that e-mail to  
3 law firm staff, and law firm staff issues --

4 THE COURT: You ever hear any explanation why Mr.  
5 Laffitte would be communicating with Mr. Murdaugh's own  
6 bookkeeper?

7 MS. LIMEHOUSE: Well, Mr. Laffitte is related to  
8 Ms. Jeanne Secklinger.

9 THE COURT: Oh, I understand. But he didn't do it to  
10 his sister-in-law --

11 MS. LIMEHOUSE: Exactly.

12 THE COURT: -- he did it at the request of Mr.  
13 Murdaugh. It struck the Court as highly unusual if one was  
14 not in on the game --

15 MS. LIMEHOUSE: Exactly.

16 THE COURT: -- to be communicating to -- for Mr.  
17 Murdaugh to ask Mr. Laffitte to take this \$1.325 million check  
18 and break it into four parts, and then rather than go to his  
19 own bookkeeper, which I presume is down the hall, but to  
20 engage Mr. Laffitte, the brother-in-law of the bookkeeper, in  
21 the scheme.

22 And I might not remember correctly, but I think the  
23 defendant, on the stand, said: I know this looks bad. I knew  
24 when I saw it, it looked bad. Yeah, it looks really bad.  
25 There's no good explanation. If you are completely unaware of

1 what's going on and not engaged in a criminal conspiracy, as  
2 this jury found, then there's really no explanation why the  
3 defendant would be communicating with Mr. Murdaugh's  
4 bookkeeper.

5 MS. LIMEHOUSE: Well, the reality is that he, as the  
6 personal representative from the state, had to be the one  
7 making that direction to the law firm, because his appointment  
8 as personal representative was necessary and integral to this  
9 conspiracy.

10 THE COURT: Explain that.

11 MS. LIMEHOUSE: He was the one that would have had  
12 control over those funds. He, at Palmetto State Bank, was  
13 receiving that 1.325 to structure the settlement per client's  
14 request, according to the disbursement sheet -- that's  
15 government's 23. And so, if it didn't come from him at  
16 Palmetto State Bank, the law firm wouldn't have cut that check  
17 in that way. And so, he knew he had to instruct law firm  
18 staff to cut the check in those ways, because he was the one  
19 at Palmetto State Bank that would be receiving the 1.325.

20 THE COURT: Okay.

21 MS. LIMEHOUSE: So, the fact, though, that these  
22 checks are drafted to Palmetto State Bank further shows the  
23 sophistication of this conspiracy, and the fact that they used  
24 these complex methods to conceal their conduct. So, all of  
25 these checks were originally drafted correctly to Russell

1 Laffitte as either the conservator or the personal  
2 representative for these individuals. And the general ledgers  
3 from the law firm show that these checks were originally  
4 drafted properly. But they were voided and drafted to  
5 Palmetto State Bank instead, which meant, rather than the  
6 funds going to these conservator accounts, as they should  
7 have, or to Mr. Murdaugh individually, if this money belonged  
8 to him, it was sent to sort of a general holding account at  
9 Palmetto State Bank, that could not be tied to Mr. Murdaugh,  
10 that would not be tied to Mr. Laffitte, and that would allow  
11 them to conceal the source and destination of these funds.

12 So, when we look at the sophisticated means  
13 enhancement and the way the application notes define it, it  
14 specifically addresses how transactions are concealed. And  
15 what's important about the Palmetto State Bank is that the  
16 evidence at the trial showed that Mr. Murdaugh was not keeping  
17 up with his finances, he was relying heavily on the defendant  
18 to manage his accounts, to make sure he was getting out of  
19 overdraft, to manage his loans and the repayment of these  
20 loans. There are e-mails where Russell explains to him  
21 exactly what he's doing with his accounts and his loans, and  
22 Mr. Murdaugh responds a couple days later and says: Hold off,  
23 I can't even follow this on my phone. He was relying on the  
24 defendant to manage all these transactions for him. Mr.  
25 Murdaugh did not know or appreciate the significance of

1 drafting these checks to the Palmetto State Bank. The only  
2 person who knew and appreciated and understood the  
3 significance of these funds going to Palmetto State Bank was  
4 the defendant, as a bank executive and a bank employee. And  
5 he knew that having these checks drafted to Palmetto State  
6 Bank would help them to disguise the source and origin and  
7 destination of these funds and conceal their conduct. And we  
8 know he knew that and he made a decision to have those checks  
9 drafted in that way because it's the same way that his  
10 conservator and PR fee checks were drafted. And according to  
11 his own testimony during trial, he didn't pay taxes on those  
12 fees, and he knew he could hide it from the IRS, because those  
13 checks were drafted to Palmetto State Bank rather than to him  
14 individually. And so, the way these checks were drafted are,  
15 again, just further indicative of the complexity and  
16 sophistication of the scheme.

17 And so, that's how we talk about Count 1. But we  
18 also see the sophistication of his own conduct in Counts 4  
19 through 6, which had nothing to do with Mr. Murdaugh, except  
20 for --

21 THE COURT: He's not involved at all. These are  
22 misapplication of bank funds.

23 MS. LIMEHOUSE: Exactly right. He's not charged,  
24 he's not a coconspirator. This is just Mr. Laffitte's  
25 conduct. And Count 4, of course, is \$680,000 payment. And in

1 Count 4, which he is charged with willfully misapplying bank  
2 funds, we know that he paid the law firm in a desperate  
3 attempt to cover up his conduct and hopefully prevent them  
4 from uncovering his role in this conspiracy and further  
5 investigation. And he did that by lying to his family and to  
6 the bank, and by disguising this as an agreement to settle  
7 some civil claims, when, in reality, that was never what  
8 happened with that \$680,000 payment.

9 And then, of course, we have Count 5, the \$750,000.  
10 That's two transactions of \$350,000 wire to Chris Wilson, Mr.  
11 Murdaugh's lawyer; and a \$400,000 transfer that he made after  
12 the bank started asking questions. And Mr. Murdaugh was over  
13 \$367,000 in overdraft. He issues him \$400,000 of bank funds.

14 THE COURT: That loan was for beach house  
15 renovations.

16 MS. LIMEHOUSE: That's what he claimed it to be.  
17 Exactly.

18 THE COURT: And he applied it himself to other  
19 purposes.

20 MS. LIMEHOUSE: After extending these two  
21 transactions, the 350 and the 400, he creates loan documents  
22 to make these two transactions look like legitimate loan for  
23 purposes of beach-house renovations, backdating loan documents  
24 and directing employees to backdate loan documents, to try to  
25 conceal his own misapplication of \$750,000.



1           And then, of course, lastly, with Count 6, that's the  
2 line of credit for purposes of farming. And what we saw is  
3 that Miss Hannah Plyler was turning 18. And Mr. Murdaugh owed  
4 her over \$284,000 on the loans Mr. Laffitte had extended. But  
5 Mr. Laffitte knew Mr. Murdaugh didn't have money to pay her  
6 back, so he issued her a line of credit for purposes of  
7 farming, then issued a money order to Ms. Plyler from that  
8 line of credit and used the funds that were supposed to be  
9 used for farming purposes to pay off Hannah Plyler.

10           So, not only is his conduct with Mr. Murdaugh in  
11 Count 1 and the related counts, 2 and 3, sophisticated and  
12 complex, but also his conduct in Counts 4 through 6. And when  
13 we look at -- according to the direction of the guidelines,  
14 you don't look at isolated conduct, you look at the scheme as  
15 a whole. And we're talking about an eight-year scheme that  
16 involved concealing and misrepresentations and deception. Not  
17 just general fraud, but a scheme that was highly complex and  
18 sophisticated and really allowed them to get away with this  
19 for as long as they did.

20           THE COURT: Well, the application note to 2B1.1  
21 relating to sophisticated means says: "Sophisticated means,  
22 especially complex, or especially intricate offense conduct,  
23 pertaining to the execution or concealment of an offense."

24           Maybe I'm just simple, but this was an  
25 extraordinarily complex criminal scheme that involved Mr.

1 Murdaugh; Mr. Laffitte, carrying two hats, as a bank officer  
2 and as a fiduciary. And the interplay of those allowed this  
3 fraudulent scheme to go on for eight years. I've sentenced a  
4 lot of people under statutes for wire fraud. This is as  
5 sophisticated a crime as I've seen in my 13 years on the  
6 bench. I overrule the objection as to sophisticated means.

7 Mr. Parente, what's your next one?

8 MR. PARENTE: Thank you, your Honor. And relatedly  
9 -- and I'll be brief on this one. The abuse of position of  
10 trust enhancement is our next objection. We do not contest  
11 that Mr. Laffitte, as your Honor has recognized, had a  
12 fiduciary relationship. He testified as much at trial that he  
13 owed a duty to the victims. But just the simple existence of  
14 the fiduciary duty is not enough to apply this enhancement  
15 under the Fourth Circuit's precedent. There is a commentary  
16 in the guidelines that discusses a bank executive's fraudulent  
17 loan schemes, but the Fourth Circuit has gone on to say that  
18 it's a very fact-based inquiry that must be determined,  
19 because the enhancement is not designed around certain job  
20 positions or job titles.

21 And then fraud, alone, does not show that -- is not  
22 enough that the victim had confidence in the defendant. And  
23 so, while we don't argue that there was a position of trust,  
24 we do object that there was an abuse based on that position of  
25 trust. Mr. Laffitte did not leverage that fiduciary

1 relationship in order to defraud the victims.

2 THE COURT: Government's response?

3 MS. LIMEHOUSE: Thank you, your Honor. The  
4 government finds it interesting that, in the objection to the  
5 abuse of trust enhancement, they claim that because Mr.  
6 Laffitte didn't even meet any of these individuals, surely he  
7 didn't have a relationship of trust. Yet, they also argue  
8 that his personal representative and conservator fees  
9 shouldn't be accounted for his loss because they were for  
10 services rendered. And the reality is that, although he  
11 violated his trust with these individuals and the fiduciary  
12 relationship that he owed them, and was appointed to serve by  
13 the Court, he still had that position of trust, and that  
14 position of trust is what enabled him to commit these crimes.

15 As we said, they made misrepresentations to the Court  
16 to have him appointed as a conservator and a personal  
17 representative. And without his service in those roles, Mr.  
18 Murdaugh and Mr. Laffitte would not have been able to steal  
19 these funds. So, his role in that position of trust was  
20 absolutely essential to the commission of these crimes. He  
21 was entrusted as a fiduciary with the management and oversight  
22 of the victim's settlement and funds, yet, he never even met  
23 them. And so, just because he violated that trust, doesn't  
24 mean he did not have that role to begin with. And as the  
25 Court pointed out, sort of two hats, it's the bank executive

1 and the fiduciary as a conservator and PR.

2 And so, when we look at the abuse of trust  
3 enhancement and the application notes, it talks about how it's  
4 characterized by professional or managerial discretion. And  
5 we look at the discretion that the defendant had as a bank  
6 executive, and that's what allowed him to commit these crimes  
7 with Mr. Murdaugh. He had broad discretion, and that  
8 discretion allowed him to personally negotiate hundreds of  
9 thousands of dollars in checks, it allowed him to structure  
10 these transactions, it allowed him to have these checks  
11 drafted to Palmetto State Bank to conceal their conduct, and  
12 it allowed him to extend these fraudulent loans and authorize  
13 hundreds of thousands of dollars in wire transfers only  
14 because of his position of trust in the bank. And so, his  
15 position of trust both as a bank executive and as a fiduciary  
16 were essential to these schemes and to the furtherance of  
17 these crimes. And so, we believe it's an appropriate  
18 enhancement.

19 THE COURT: Application note 3B1.3, abuse of position  
20 of trust says: Public or private trust refers to a position  
21 of public or private trust characterized by professional or  
22 managerial discretion, i.e. substantial discretionary judgment  
23 that is ordinarily given considerable deference. Persons  
24 holding such a position are ordinarily subject to  
25 significantly less supervision than employees'

1 responsibilities are primarily nondiscretionary in nature."

2 This is, to me, plainly applicable for this  
3 situation. The defendant was in two positions of trust, both  
4 as a bank officer and as a fiduciary over the accounts of very  
5 vulnerable individuals. These individuals -- one was a  
6 quadriplegic. Many of them were minors. They were people who  
7 had suffered severe injuries. They were grieving from the  
8 loss of loved ones. This was really -- this was a serious,  
9 severe abuse of public trust. And I overrule that objection.

10 Mr. Parente, next?

11 MR. PARENTE: Thank you, your Honor. And the final  
12 enhancement of the role reduction for the mitigating role, we  
13 believe that Mr. Laffitte is entitled to a two-level reduction  
14 under that guideline as a minor participant. We're not  
15 arguing that Mr. Laffitte was a minimal participant or  
16 somewhere in between.

17 THE COURT: How about Counts 4 through 6, Mr.  
18 Parente? He's the only one charged with those offenses.

19 MR. PARENTE: Yes, your Honor. And I believe the  
20 application of this role applies to the overall scheme.  
21 Counts 4 through 6 had some times with Mr. Murdaugh and the  
22 overall scheme covering --

23 THE COURT: But you agree with me it's not a  
24 mitigating role as to Counts 4 through 6, because he's the  
25 only one involved?

1 MR. PARENTE: As to those roles specifically. But I  
2 believe that the role encompasses the entire scheme.

3 THE COURT: So, if he has a mitigating -- I don't,  
4 frankly, agree with your mitigating analysis as to the  
5 Counts 1 through 3. But to 4 through 6, so you're saying that  
6 unless you can show that his role wasn't mitigating as to  
7 every count, that he gets a mitigating role? Is that your  
8 argument?

9 MR. PARENTE: So, I believe that the totality of the  
10 circumstances, that the whole scheme shows that he was a minor  
11 participant in that. The 4 through 6 are related to  
12 transactions that were involved in the conspiracy count of  
13 Count 1.

14 THE COURT: Okay. Ms. Limehouse?

15 MS. LIMEHOUSE: Thank you, your Honor. The  
16 guidelines sort of set forth a non-exhaustive list of factors  
17 for the Court to consider in determining --

18 THE COURT: It does.

19 MS. LIMEHOUSE: -- whether to apply the minor role  
20 reduction under the guidelines. And so, I'll just briefly go  
21 through these factors. But first, I want to point out that,  
22 in their objections, they claim that the defendant did not  
23 benefit from the scheme.

24 THE COURT: \$400,000, Ms. Limehouse.

25 MS. LIMEHOUSE: Yes. Over \$400,000 in fees, most of

1 which he did not pay taxes on. So, it's tax-free income. He  
2 extended himself loans at favorable interest rates, totalling  
3 over \$350,000. He then used those loans for his own personal  
4 expense, putting in a pool, renovating his beach house, paying  
5 off his credit cards, and paying off the loan that he had  
6 obtained at a much higher interest rate at a different bank.  
7 Now, I don't know what a benefit is if that's not a benefit.

8 And, of course, we talk about his specific financial  
9 and pecuniary benefit, but also the benefit to the bank as a  
10 whole, by his own testimony. He claims Mr. Murdaugh paid  
11 millions in fees over the course of their relationship, that  
12 his law firm was the largest private customer of the bank, and  
13 that maintaining that relationship between the law firm and  
14 the bank was incredibly important to him individually, and to  
15 the bank professionally. So, he did benefit from this scheme.

16 We talk about the scope and structure of activity,  
17 and the defendant's knowledge of understanding the scope and  
18 structure of that activity. The defendant was the only person  
19 who saw where this money was coming from and where it was  
20 going. He had a full understanding as a person appointed to  
21 protect these funds, knowing how much these individuals were  
22 supposed to receive, and where that money was supposed to be  
23 going, and the person that personally negotiated every single  
24 one of these checks that went everywhere else at Mr.  
25 Murdaugh's direction and at his benefits.

1           The next factor is the disagree to which he was  
2 involved in the planning and organizing. Again, I will point  
3 the Court to our argument over issuing these checks to  
4 Palmetto State Bank. The government believes that's Mr.  
5 Laffitte's decision, because Mr. Murdaugh would not and could  
6 not have known of the significance of drafting those checks to  
7 Palmetto State Bank, and, again, how he was able to avoid  
8 paying his taxes because of the way these checks were drafted.  
9 He was the one, according to all the evidence presented during  
10 the trial, that managed all of Mr. Murdaugh's finances. He  
11 covered his overdraft, he extended him loans, he made sure  
12 those loans were paid off. He kept the activity, the criminal  
13 activity, organized.

14           The next factor is his decision-making authority. He  
15 made the decision, according to his own admissions, to  
16 negotiate every single one of these checks. He made the  
17 decision on how some of these stolen funds would be used,  
18 because he issued these loans from Ms. Plyler's  
19 conservatorship account, and he used those stolen funds to pay  
20 back the loans that he had extended from Hannah Plyler's  
21 account. And he was the one tracking those loans and the  
22 repayment.

23           And then lastly, if we look at the nature and extent  
24 of his participation in this scheme, again, he negotiated  
25 every check. We heard testimony from the defense's own



1 witness, Mr. John Peters. And he said any one of those  
2 checks, he or a bank teller at Palmetto State Bank, would  
3 never had negotiated in the way that Mr. Murdaugh requested  
4 him to do it. And so, the nature and extent of his  
5 participation is wide ranging, far reaching, and covers the  
6 entire conspiracy. There is no doubt that this would not have  
7 happened without Mr. Murdaugh, but it could not have happened  
8 without Mr. Laffitte.

9 THE COURT: Well, you know, there is a designation --  
10 not applicable here -- for leadership, where additional  
11 factors are added because the person is the so-called kingpin  
12 or leader. I haven't seen Mr. Murdaugh's PSR -- he hasn't  
13 pled in front of me -- but I would anticipate that might be an  
14 enhancement he would get. But, because someone gets the  
15 leader designation, doesn't mean everybody else is a  
16 mitigator. That's just an additional thing. And I think Mr.  
17 Murdaugh was the leader. But the evidence here is just  
18 overwhelming that Mr. Laffitte was an integral part of this  
19 operation.

20 And, Mr. Parente, you want to say something, sir?

21 MR. PARENTE: Your Honor, if I could briefly respond  
22 to the factors that Ms. Limehouse just discussed?

23 THE COURT: Sure. Be glad to hear from you.

24 MR. PARENTE: And I think your Honor just mentioned  
25 that the government argues that Mr. Laffitte was an integral

1 part, necessary and essential to the scheme. But the Courts  
2 have recognized that, just because someone is essential to the  
3 scheme, does not automatically --

4 THE COURT: That, alone, is not enough. It's got to  
5 be -- you can measure, and I was about to walk through each of  
6 those factors under the application note for 3B1.2 --

7 MR. PARENTE: Yes.

8 THE COURT: -- to discuss those. But you're  
9 absolutely correct. If it was just, I mean, a single -- I've  
10 had situations in cases where a person involved in a single  
11 episode is sort of essential for the crime to have occurred  
12 but was, otherwise, a very minor character in the story.  
13 Yeah, even though he may have been essential. But the factors  
14 here are very different from that.

15 MR. PARENTE: Yes, your Honor. And I will address  
16 those factors. But I think the classic case where a  
17 mitigating role reduction comes up is with a drug courier.  
18 And they're often granted this role reduction if they're  
19 unknowing of the type, and quantity, and exact scheme of the  
20 drugs that they're transporting.

21 THE COURT: Right. The mules -- so-called mules, the  
22 common feature is they don't know who has arranged it. They  
23 pull up into a parking lot in New York City, somebody puts  
24 something in their trunk, they have no idea what it is, and  
25 they drive to Florida, and when they go through I-95, an

1 officer pulls them over, and they don't have any idea. That  
2 does not describe this eight-year scheme and Mr. Laffitte's  
3 involvement in that eight-year scheme.

4 MR. PARENTE: And, your Honor, I think it goes to  
5 some of the factors that Ms. Limehouse discussed earlier about  
6 the decision-making authority that Mr. Laffitte did not  
7 exercise. We saw the example of the Arthur Badger checks that  
8 were sent earlier. Mr. Murdaugh sent Mr. Laffitte an e-mail  
9 saying, here are the amounts that I would like this check to  
10 be recut as, you know, and the remainders go here and here.  
11 And Mr. Laffitte simply sends an e-mail following that  
12 direction.

13 THE COURT: I think he does more than that. I  
14 thought there was some changes he made.

15 MR. PARENTE: I believe there was some --

16 THE COURT: He calculated, I think, the overdrafts  
17 and so forth, if I remember correctly. Mr. Parente, you're a  
18 little disadvantaged since you weren't here for the trial.  
19 But I will tell you, I remember that. And I don't think  
20 that's helpful to your client, to talk about that  
21 communication with the defendant -- with Mr. Murdaugh's  
22 bookkeeper. That, to me, was a fingerprint of personal  
23 engagement that was very damaging to him. And as I mentioned  
24 earlier, I recall Mr. Laffitte acknowledging on the stand how  
25 bad it looked. He's right, it looked really bad.

1 MR. PARENTE: Understood, your Honor. And I agree  
2 with you. But just simply making the point that he was  
3 following direction. He was not exerting his own authority.

4 THE COURT: He's the fiduciary. He's in charge.  
5 It's his discretion to do these things. And as a bank  
6 officer, he doesn't work for Mr. Murdaugh. He has a fiduciary  
7 duty to his bank, to the Board. You know, did Mr. Murdaugh  
8 exercise a lot of discretion? Sure, he did. Did Mr. Laffitte  
9 exercise a lot of discretion? Yes, he did.

10 MR. PARENTE: Yes, your Honor. And I think just the  
11 overall application of this reduction talks about the  
12 comparison between defendants engaged in the same scheme. And  
13 looking at Mr. Murdaugh, compared to Mr. Laffitte, the  
14 millions of dollars that Mr. Murdaugh pocketed personally, Mr.  
15 Laffitte did receive --

16 THE COURT: How much?

17 MR. PARENTE: -- fees -- I'm sorry?

18 THE COURT: How much did Mr. Laffitte obtain from his  
19 participation in this scheme?

20 MR. PARENTE: I think overall from the fees he  
21 collected over a period of time was over \$400,000.

22 THE COURT: Thank you.

23 MR. PARENTE: Thank you, your Honor.

24 THE COURT: Let me refer back to -- Ms. Limehouse was  
25 referring to the role of 3B1.1, aggravating role and

1 mitigating role. And it says: "Factors the Court should  
2 consider" -- and this is not an exhaustive list -- "include  
3 the exercise of decision-making authority." That's number  
4 one. A lot of it here in the role both as a bank officer and  
5 as a fiduciary. "The nature of participation in the  
6 commission of the offense." We talked about that extensively.  
7 "The recruitment of accomplices." Not applicable here. "The  
8 claimed right to a larger share of the fruits of the crime."  
9 Not applicable here. "The degree of participation in planning  
10 or organizing the offense." He definitely is involved in  
11 that. "The nature and scope of the illegal activity." Eight  
12 years of one of the state's most notorious financial crimes.  
13 And "the degree, control and authority exercised over others."  
14 His control was over the bank funds and the funds from the  
15 victims.

16 I'm supposed to evaluate here the totality of  
17 circumstances. And I find that a mitigating role is not  
18 indicated here. And I overrule that objection.

19 Next?

20 MR. PARENTE: Thank you, your Honor. That's it for  
21 our enhancements and role reduction arguments.

22 THE COURT: Okay. Next, loss amounts. Let's go  
23 through those. You first mentioned the \$325,000 taken from  
24 Natasha Thomas. Why should that not be part of the loss?

25 MR. PARENTE: So, your Honor, I'd like to address the

1 settlement amounts collectively, if that's okay with  
2 your Honor.

3 THE COURT: I've got to tell you, it doesn't help me  
4 much. This is a granular decision. I've got to address each  
5 of these. So, you can later address the global, but I want  
6 you to do the specific.

7 So, \$325,000 by Natasha Thomas, why should that not  
8 be considered part of the loss?

9 MR. PARENTE: So, your Honor, it goes to our memo  
10 that we submitted relying on the decision in *United States vs.*  
11 *Banks* about the attended loss. Mr. Laffitte did not intend  
12 those to be losses to the victims, and it was not reasonably  
13 foreseeable to Mr. Laffitte that those --

14 THE COURT: That he's giving a man with no security,  
15 who is doing massive overdrafts, and he's giving him unsecured  
16 loans, he doesn't think that's foreseeable, that it might not  
17 get paid back?

18 MR. PARENTE: It could be, your Honor. But Mr.  
19 Laffitte -- I think the testimony came out at trial was that  
20 Mr. Laffitte did not reasonably foresee that these losses were  
21 a --

22 THE COURT: That's not the evidence I remember. I  
23 thought it was very a foreseeable consequence of Mr.  
24 Murdaugh's absolutely irresponsible spending. It's never been  
25 quite explained where all that money went. But it was massive

1 amounts of money. You've got to remember, Mr. Murdaugh was a  
2 highly paid attorney, and he's taking all this additional  
3 money. And if the issue is foreseeability, I overrule that  
4 objection.

5 Any other objection to the Natasha Thomas?

6 MR. PARENTE: Thank you, your Honor. That's our  
7 objection to the settlement amounts.

8 THE COURT: Okay. And then the next is Hakeem  
9 Pinckney.

10 MR. PARENTE: The same argument as in our sentencing  
11 memorandum for all the settlement amounts, your Honor.

12 THE COURT: You know, of course, the same situation.  
13 He's loaning money out to an extremely irresponsible spender,  
14 over-drafting huge amounts in the bank. I overrule the  
15 objection as to the loss regarding Hakeem Pinckney.

16 Next?

17 MR. PARENTE: And, your Honor, next is the  
18 \$1.325 million settlement related to the Badger settlement.  
19 And, your Honor, with this settlement, there was \$152,054.24  
20 that went through Bank of America that did not go through  
21 Palmetto State Bank. And so, for those reasons, we believe  
22 that that is not a reasonably foreseeable loss attributable to  
23 Mr. Laffitte.

24 THE COURT: Well, I believe he broke up the check,  
25 did he not?

1           Isn't this the one we've been talking about, a  
2 breakup of the check, Ms. Limehouse?

3           MS. LIMEHOUSE: Yes, your Honor. So, originally he  
4 sent Exhibit 38, the e-mail, to -- or, Mr. Murdaugh made the  
5 request to Mr. Laffitte to have those checks be recut. He  
6 then, in Exhibit 38, requested Mr. Murdaugh, who forwarded it  
7 to the law firm. Those checks were split up. But I would, of  
8 course, reference to the disbursement sheet, indicating that  
9 he would be getting the full 1.325 that he was responsible for  
10 receiving. And so, these checks were broken up eventually  
11 into 14 separate checks. Mr. Laffitte negotiated 12 of them.  
12 Two of them were negotiated with the Bank of America. But  
13 when we talk about the definition of loss under the  
14 guidelines, it's reasonably foreseeable pecuniary loss.

15           THE COURT: He facilitated the theft of the  
16 1.325 million. That's the government's view?

17           MS. LIMEHOUSE: That's correct, your Honor.

18           THE COURT: And part of that was the money that went  
19 to the Bank of America?

20           MS. LIMEHOUSE: That's correct.

21           THE COURT: I overrule the objection as to the loss  
22 regarding Arthur Badger's funds.

23           Okay. You want to talk about the fees?

24           MR. PARENTE: Yes, your Honor. In terms of the fees,  
25 there's a total of \$110,000. These are fees that were listed



1 in the disbursement sheets that Mr. Laffitte received for his  
2 work as conservator or personal representative on these  
3 accounts.

4 THE COURT: Tell me what he did for Mr. Hakeem  
5 Pinckney.

6 MR. PARENTE: Your Honor, for some of the cases, Mr.  
7 Laffitte will discuss that later -- Mr. Moore will address  
8 that.

9 THE COURT: I need for you to address it now, because  
10 you're claiming it's not a loss. What did he do?

11 MR. PARENTE: I think those fees, you know, he set up  
12 those accounts and looked over those.

13 THE COURT: And gave the money to Mr. Murdaugh. Did  
14 he meet with Mr. Pinckney?

15 MR. PARENTE: I don't believe so, your Honor.

16 THE COURT: Did he go to the nursing home where he  
17 was a quadriplegic?

18 MR. PARENTE: He did not, your Honor. He set up the  
19 structure for the account.

20 THE COURT: He set up the what?

21 MR. PARENTE: The structure.

22 THE COURT: What are you talking about, the  
23 structure?

24 MR. PARENTE: I believe --

25 THE COURT: You're not talking about a structure like

1 an annuity structure.

2 MR. PARENTE: I think it was set up to work that way  
3 when the loans were made.

4 THE COURT: Well, a structure is a device that is an  
5 annuity under the tax laws. By the way, you know, one of the  
6 sort of flaws of all this that I would have thought others  
7 might have identified is that a structure must be paid  
8 directly by the defendant to the annuity company for it to be  
9 tax free. And to turn it over to the plaintiff and have a  
10 plaintiff buy it is basically legal malpractice. That would  
11 be just -- it turns a very good investment into a bad one.  
12 So, I'm not going to attribute to Mr. Laffitte knowledge of  
13 that. There's no evidence he was familiar with the tax laws  
14 relating to this. But I do hold it that he was -- Palmetto  
15 State Bank didn't create annuities. They didn't -- there's a  
16 very formal process for an annuity. And there's no suggestion  
17 that he did that. So, I don't recall that Hakeem Pinckney was  
18 supposed to be a structure, but he basically, you know,  
19 allowed Mr. Murdaugh to take the money. And this is, you  
20 know, part of Count 1, a conspiracy, jointly undertaken  
21 criminal enterprise. The jury found him guilty beyond a  
22 reasonable doubt. I sustained that verdict in post-trial  
23 motions.

24 So, let's look at what these fees are. He's  
25 performing his duty as a fiduciary by facilitating the theft

1 of the funds. And he wants to be paid? He doesn't want that  
2 to be part of the loss here? I don't know, Mr. Parente.  
3 That's a pretty tough order -- tough argument to make.

4 MR. PARENTE: I understand, your Honor. Thank you.

5 THE COURT: I overrule your objection as to the fees.  
6 What's next?

7 MR. PARENTE: Your Honor, next is the \$680,000 check  
8 that was made to PMPED Law Firm to pay half of the Arthur  
9 Badger's settlement funds and half of Mr. Laffitte's PR fee.

10 THE COURT: Okay.

11 MR. PARENTE: So, your Honor, two points on the  
12 \$680,000. First, our position is that that is not an actual  
13 loss to Palmetto State Bank, as was noted in the draft PSR,  
14 that those funds remain with Palmetto State Bank -- I'm sorry,  
15 those funds remain with the law firm.

16 THE COURT: They're with the law firm.

17 MR. PARENTE: Correct. And the --

18 THE COURT: The law firm is holding them.

19 MR. PARENTE: That's correct, your Honor.

20 THE COURT: Possession is nine/tenths of the law,  
21 right? Who's got the money right now?

22 MR. PARENTE: Correct. And --

23 THE COURT: You think if the bank went over and said,  
24 hey, guys, can you give us that 680 back, what do you think is  
25 going to happen?

1           MR. PARENTE: Well, it was noted in the draft PSR  
2 that it should have been returned to the bank, but that  
3 remained with the law firm due to ongoing civil litigation.

4           THE COURT: We get that. We get that this is  
5 restitution, where you're actually getting offset for this,  
6 for part of the restitution. And I take it your second  
7 argument is double counting; is that correct?

8           MR. PARENTE: It's double counting and the intended  
9 loss of that, as I think Ms. Limehouse mentioned earlier was  
10 intended to preemptively settle a lawsuit, and it was  
11 negotiated with the law firm for that amount.

12          THE COURT: Mr. Laffitte's a bank president. I've  
13 never heard someone paying that kind of money without a  
14 release, without a negotiated settlement, without consulting  
15 his lawyer. It didn't prevent anybody from suing anybody. It  
16 just handed the money over. And as I recall, the folks from  
17 the law firm were surprised that someone -- and took it. I  
18 mean, sure, you offer me 680K, sure, I'll take it.

19          And as to the double counting, let's look at that  
20 issue for a second. Loss is different from restitution, in  
21 that loss tries to measure the crime at the time of its  
22 commission. And there are two crimes here: One is the theft  
23 of the 1.325 million. That's Count 1. And then there is the  
24 misapplication of bank funds, which is -- help me. Is that  
25 Count 4 or 5?

1 MS. LIMEHOUSE: The 680 is Count 4, your Honor.

2 THE COURT: Count 4. That's a different crime -- two  
3 crimes. Now, when we get to restitution, there's an offset.  
4 But for the loss, it's not double counting. It's two crimes.  
5 Both of them count for a loss.

6 Anything else about the 680?

7 MR. PARENTE: That's all, your Honor. Thank you.

8 THE COURT: I overrule the objections as to 680. I  
9 also find that the loss was foreseeable.

10 Go ahead. What's the next one?

11 MR. PARENTE: Your Honor, the next one is the  
12 \$750,000 loan to Mr. Murdaugh.

13 MS. LIMEHOUSE: Your Honor, if I may, there's one  
14 other kind of nuance they argued about a \$17,500 check that he  
15 should get credit for in a deduction of loss. I just want to  
16 make sure that's either not an issue anymore or the Court's  
17 addressed it.

18 THE COURT: Are you addressing this? He paid it  
19 after the crime was detected, so it normally wouldn't be  
20 reduced from the loss as another distinction between loss and  
21 restitution, but he gets credit in restitution.

22 Are you making any argument regarding loss concerning  
23 the \$17,500?

24 MR. PARENTE: That was part of the 680,000 that was  
25 made from the bank, and then Mr. Laffitte personally

1 reimbursed the 17,5.

2 THE COURT: Well, are you arguing it shouldn't be  
3 counted as part of the loss, even though he didn't pay it  
4 until after the crime was detected?

5 MR. PARENTE: I think it was paid -- well, my memory  
6 would be that it was paid before law enforcement's detection  
7 while Mr. Laffitte was involved in the internal investigation,  
8 when --

9 THE COURT: Right. It was all coming out, and he  
10 raced over, first, with the \$680,000 check, and then  
11 subsequently with the 17,5.

12 I overrule that objection. Next?

13 MR. PARENTE: Thank you, your Honor. So, the next is  
14 the \$750,000 loan to Mr. Murdaugh. I think the government  
15 argues that this was an unauthorized loan that was not  
16 collateralized.

17 THE COURT: Beach house.

18 MR. PARENTE: Correct, your Honor.

19 THE COURT: Was it used for the beach house  
20 renovations?

21 MR. PARENTE: In the end, it was not.

22 THE COURT: What do you mean, "in the end?"

23 MR. PARENTE: Mr. Laffitte believed that it was  
24 getting used for renovations, that there were checks going out  
25 to -- that appeared to be going out to contractors.

1 THE COURT: Who wrote the check to Mr. Wilson?

2 MR. PARENTE: Your Honor, the payments of 400 and 350  
3 came from Mr. Laffitte.

4 THE COURT: I'm sorry?

5 MR. PARENTE: They came from Mr. Laffitte.

6 THE COURT: Yeah. He paid them out of the loan he  
7 had represented to be for beach house renovations, correct?

8 MR. PARENTE: That's correct.

9 THE COURT: I overrule that objection. What else?

10 MR. PARENTE: And the last one, your Honor, is the  
11 \$284,000 -- \$284,787.52.

12 THE COURT: What was that used for?

13 MR. PARENTE: That was the advance on the farming  
14 line of credit.

15 THE COURT: Was it used for farming?

16 MR. PARENTE: It was used to pay off overdraft fees.

17 THE COURT: Overdrafts?

18 MS. LIMEHOUSE: It was to pay off a loan he extended  
19 from Hannah Plyler's conservatorship.

20 THE COURT: That's what I remember. It was Hannah  
21 Plyler's money. She had turned 18 years old. And he was in a  
22 desperate shape, so he took something represented as a farming  
23 loan and used it to pay off money that had been looted out of  
24 Hannah Plyler's account.

25 Is that what happened.

1 MS. LIMEHOUSE: That's correct, your Honor.

2 MR. PARENTE: Yes, your Honor.

3 THE COURT: I overrule the objection.

4 MR. PARENTE: Thank you, your Honor. That's it with  
5 respect to the loss amounts.

6 THE COURT: Are there any other objections to the  
7 PSR?

8 MR. PARENTE: Your Honor, the only remaining  
9 objections deal with restitution, fine and forfeiture.

10 THE COURT: Okay. So, I will get to those and I will  
11 announce a guideline as to restitution, fine and forfeiture  
12 later in this proceeding. But I have ruled upon all  
13 objections -- overruled all objections and I adopt the  
14 presentence report as the findings of fact for purposes of  
15 sentencing. The total offense level is 31. The criminal  
16 history category is one. The guideline range is 108 to  
17 135 months. Supervised release, two to five years. And  
18 special assessment is \$600.

19 Now, let's address the issue of restitution. Do you  
20 have objections to restitution?

21 MR. PARENTE: Yes, your Honor. We believe, first of  
22 all, that any restitution judgment should be joint and several  
23 with Mr. Murdaugh, as the other coconspirator in this case.

24 THE COURT: Hold on a second. Okay. Let me get a  
25 list, and then we'll do it methodically. So, the first one is



1 joint and several with Murdaugh on all --

2 MR. PARENTE: Yes, your Honor.

3 THE COURT: -- including Counts 4 through 6?

4 MR. PARENTE: That's assuming that he pleads guilty  
5 or is found guilty.

6 THE COURT: He was found guilty of those.

7 MR. PARENTE: For 4 through 6 -- I'm sorry,  
8 your Honor?

9 THE COURT: Should it be joint and several regarding  
10 Counts 4 through 6, since only the defendant was charged with  
11 misapplication of bank funds?

12 MR. PARENTE: Not for those amounts, your Honor.

13 THE COURT: So, we're only talking about Counts 1  
14 through 3, correct?

15 MR. PARENTE: That's correct. And I think the  
16 government has noted in their chart which counts are -- that  
17 they --

18 THE COURT: Do you dispute their allocation?

19 MR. PARENTE: I do not, your Honor.

20 THE COURT: Have we marked that as part of the  
21 record?

22 MS. LIMEHOUSE: I have. But we have not moved to  
23 admit it, your Honor. At this point, we move to admit  
24 Government Sentencing Exhibit 5. These were numbers that were  
25 presented to the Court in a revised restitution memorandum on

1 July, the 25th, 2023. These numbers are the same. We just  
2 added a column to indicate whether the restitution amount  
3 should be ordered joint and several with Mr. Murdaugh.

4 THE COURT: Is there an objection to Government's  
5 Exhibit 5?

6 MR. PARENTE: No objection, your Honor.

7 THE COURT: Very good. Hand it to Ms. Perry. I want  
8 to look at it.

9 And Exhibit 5 has some revised numbers regarding  
10 restitution that differ from the presentence report somewhat  
11 lower than the original presentence report. And I wanted to  
12 reflect those. And I take it that that's what we're talking  
13 about. We're not talking about the original number, which was  
14 4,352,582.78. We've now moved to a different figure, which is  
15 \$3,555,884.80.

16 Ms. Limehouse, am I correct the government has  
17 revised its position on that?

18 MS. LIMEHOUSE: That's correct, your Honor.

19 THE COURT: And that reflects, according to Exhibit  
20 5, \$2,348,868.66 restitution to Palmetto State Bank; and for  
21 the law firm, restitution in amount of 1,207,016.14. I wanted  
22 to make that clear for the record.

23 Okay. Mr. Parente, we're making a list here of the  
24 restitution objections. We've got joint and several with  
25 Murdaugh. I thought the government had indicated as to

1 Counts 1 and 3 that it was joint and several. So, do we have  
2 a dispute?

3 MR. PARENTE: We don't have a dispute, your Honor, on  
4 those counts. Yes, your Honor.

5 THE COURT: Okay. So, that one's resolved. What  
6 else do you have in terms of objections to restitution?

7 MR. PARENTE: So, your Honor, I would just like to  
8 notify the Court -- we mentioned this in our sentencing  
9 memorandum -- that we're withdrawing our objection as to the  
10 internal investigation fees and attorney's fees.

11 THE COURT: Well, let me say this. I want you to  
12 identify what you're objecting to. Knowing what is and is not  
13 doesn't help me much. Just tell me which objections are still  
14 being asserted today.

15 MR. PARENTE: Yes, your Honor. So, a few particular  
16 points here. I mentioned the \$152,000 that went through Bank  
17 of America instead of Palmetto State Bank for the Badger  
18 settlement. We believe that those should not be included in  
19 the restitution.

20 THE COURT: So, that is in the --

21 MR. PARENTE: That's in the 1.325, your Honor.

22 THE COURT: Yeah. And I've already addressed that,  
23 that it was part of an ongoing criminal scheme, and it was a  
24 jointly undertaken criminal enterprise. And I overruled that  
25 objection. What else?

1 MR. PARENTE: Your Honor, the \$284,000 line of credit  
2 has been reduced to \$150,000, pursuant to a settlement  
3 agreement between the bank and the co-receivers of the  
4 Murdaugh Estate. And that was a voluntary civil settlement  
5 that was entered into that the parties agreed on Mr. Laffitte  
6 was not a party to that. And so, we believe that that should  
7 not be attributable to restitution from Mr. Laffitte.

8 THE COURT: Okay. And that's your only objection to  
9 the -- they reduced the number from 284 to 150, correct?

10 MR. PARENTE: Yes, your Honor. And I appreciate the  
11 government's willingness to --

12 THE COURT: They've reduced it, right?

13 MR. PARENTE: They have, your Honor. And we very  
14 much appreciate that.

15 THE COURT: Let me see. I got documents yesterday I  
16 requested from probation about this. My understanding is the  
17 bank had a security interest in Moselle, and there are these  
18 Murdaugh receivers appointed by a state court. And the  
19 Murdaugh receivers, for all practical purposes, are Murdaugh  
20 now. And so, they needed to have some cooperation between the  
21 Murdaugh receivers and the bank to facilitate the liquidation  
22 of this asset to pay off these loans. And the Murdaugh  
23 receivers demanded 150,000 of the \$1.696 billion-dollar  
24 recovery from the sale of Moselle.

25 Ms. Limehouse, do I have that right?

1 MS. LIMEHOUSE: That's correct, your Honor. So,  
2 there were two loans that were secured by Moselle, both of  
3 which were lines of credit. At the time that this agreement  
4 was entered into, the outstanding balance on both of those  
5 lines of credit was well over \$2 million. They entered into  
6 an agreement with the co-receivers in which the bank would  
7 receive over \$1.6 million towards the principal of that  
8 outstanding balance. If you look at the last two pages of  
9 Government's Sentencing Exhibit 3, which is attached to our  
10 restitution memorandum, it sets forth the outstanding  
11 principal balance of those loans, corresponding to the portion  
12 of the principal that the bank received pursuant to  
13 liquidation of that asset. And the difference is \$170,000.  
14 So, the bank was still owed \$170,000 in principal on those two  
15 lines of credit.

16 THE COURT: No interest.

17 MS. LIMEHOUSE: That's correct. If you included  
18 interest, it would be well over 400,000. So, we're just  
19 talking about the outstanding principal that was still owed on  
20 those two lines of credit after the bank received its interest  
21 upon the sell of Moselle. And so, the 150 is \$20,000 below  
22 that outstanding principal balance, and that is the amount  
23 that the bank still had to pay the receiver in principal in  
24 order to enter into this agreement and be able to collect  
25 anything on the sale of Moselle.

1 THE COURT: Well, you know, to call it a voluntary  
2 settlement is kind of ridiculous. There's nothing much  
3 voluntary here. You've got a party, the Murdaugh receivers,  
4 who can block the liquidation of Moselle. They can  
5 effectively block it, or they can litigate the issue. And a  
6 deal was worked out. If I were a receiver, I'd probably be  
7 wanting a piece of it too. The receivers have all these debts  
8 of Mr. Murdaugh, the third party, that they're trying to  
9 satisfy. So, they work out this number. Now, the question  
10 is: Why is that number having to be worked out? Because of  
11 the criminal scheme engaged in by Mr. Murdaugh and the  
12 defendant. It's a direct consequence of the criminal conduct  
13 here.

14 And I overrule the objection as to the \$150,000. I  
15 think your client got a break, frankly.

16 MS. LIMEHOUSE: I would like to note one thing just  
17 for the record. We learned yesterday that the 150 is actually  
18 the outstanding principal balance. And both of those loans  
19 had force-placed insurance on those properties for obvious  
20 reasons, valued at 10,000 for each of those lines of credit.  
21 The bank agreed to reduce the outstanding principal balance by  
22 the cost of those workspace insurance policies, \$20,000. So,  
23 that 150 is directly tied to the outstanding principal balance  
24 of those two lines of credit.

25 THE COURT: I overrule the objection as to the 150.

1 Mr. Parente, what's next?

2 MR. PARENTE: Your Honor, the final argument that I  
3 would like to make is that there was a \$500,000 payment made  
4 on behalf of Mr. Laffitte to release him from civil claims  
5 related to these cases. And we believe that that \$500,000  
6 should be an offset to the restitution.

7 THE COURT: I'm not familiar with this. Slow down.  
8 I don't know anything about this.

9 MR. PARENTE: It's related to the Pinckney and Thomas  
10 civil cases. It was a \$500,000 payment to release Mr.  
11 Laffitte from those claims.

12 THE COURT: He was in a lawsuit with Pinckney and who  
13 else?

14 MR. PARENTE: And Thomas, your Honor.

15 THE COURT: And so, these victims sued him directly?

16 MR. PARENTE: That's correct.

17 THE COURT: And he paid \$500,000 to be released?

18 MR. PARENTE: I believe it came from his father, but  
19 on his behalf.

20 THE COURT: Yes. \$500,000, correct?

21 MR. PARENTE: That's correct, your Honor.

22 THE COURT: And it would have been presumably for  
23 breach of fiduciary duty, which entitles a potential  
24 prevailing party to act on punitive damages, correct?

25 MR. PARENTE: That's correct, your Honor.

1 THE COURT: And he paid \$500,000, and he wants that  
2 as an offset? I overrule that objection. It's directly as a  
3 result of his criminal conduct. That was between him and  
4 these victims in that lawsuit. I overrule that objection.

5 MR. PARENTE: Thank you, your Honor.

6 THE COURT: Anything else?

7 MR. PARENTE: And just lastly, I believe that the  
8 government has addressed most of the double-counting issues  
9 that we raised in our objections. To the extent there are any  
10 double-counting issues left, we object to those.

11 MR. MOORE: One moment, your Honor?

12 THE COURT: Yes, sir.

13 MR. PARENTE: And, your Honor, the government has  
14 agreed that the 680 should be an offset --

15 THE COURT: Yeah. It's an offset.

16 MR. PARENTE: -- to the restitution amounts.

17 THE COURT: And by the way, Mr. Parente, for your  
18 benefit, I saw the original drafts and objected to it myself.  
19 I thought that somebody was deserving an offset in  
20 restitution, and it was done.

21 MR. PARENTE: Thank you, your Honor.

22 THE COURT: Yes. Okay. So, as to the restitution,  
23 the Court has overruled the objections of the defendant. And  
24 the Court finds that the restitution is in the amount of  
25 \$3,555,884.80.



1           Now, let me make it easy regarding fines. I think  
2 the significant amount of funds due to the victims would be  
3 impaired if I imposed a fine. The guideline is 30,000 to  
4 \$300,000. And the Court's way to protect the ability of the  
5 victims to obtain restitution, I decline to impose a fine.

6           So let's save that argument, Mr. Parente.

7           MR. PARENTE: Thank you, your Honor. Very much  
8 appreciate it.

9           THE COURT: We're now down to forfeiture.

10          MR. PARENTE: Yes, your Honor. And, again, we  
11 appreciate the government being reasonable in providing us  
12 with updated figures on the forfeiture. The amount currently  
13 is \$116,340.03. And that represents fees for Malik Williams  
14 and Hannah Plyler, starting in 2010. As your Honor noted, we  
15 believe this is an excessive amount on top of the restitution  
16 and that, you know, Mr. Laffitte, as Mr. Moore will discuss  
17 later, is planning to repay the fees that he received in this  
18 case.

19          THE COURT: In which case?

20          MR. PARENTE: As related to Thomas Badger and  
21 Pinckney.

22          THE COURT: The counts of conviction?

23          MR. PARENTE: Yes, your Honor.

24          THE COURT: And what you're suggesting is that, since  
25 Malik Williams and Hannah Plyler were not specifically --

1 these funds were repaid, as I recall. That's why the  
2 government did not seek specific counts as to that.

3 Am I right about that?

4 MS. LIMEHOUSE: That's correct, your Honor.

5 THE COURT: So, let me say this, Ms. Limehouse.  
6 Let's address this. I'm a little cold on Malik Williams and  
7 what the defendant actually did. I clearly recall, as to  
8 Hannah Plyler, he went and helped her buy a house. He was  
9 much more engaged. I thought it was a real contrast to what  
10 he did for the other victims. Surely, he knew what a real  
11 fiduciary was supposed to do. And I think his conduct  
12 regarding Hannah Plyler was very commendable in that regard.  
13 There are other parts, loaning the money out and taking money,  
14 that I didn't think was good. But he did do that.

15 So, I do note that Malik Williams and Hannah  
16 Plyler -- that the transfer of the funds is in the indictment.  
17 It's mentioned in the indictment. And I take it the  
18 government's view is that's sort of part of the overall  
19 criminal scheme; is that it?

20 MS. LIMEHOUSE: That's correct, your Honor. And the  
21 defendant, while he is required to pay restitution for the  
22 victims that should sustain an actual loss, that we've already  
23 discussed, he has never had to personally disgorge himself of  
24 the ill-gotten gains of that scheme. And so, while we gave  
25 him the benefit, so to speak --

1 THE COURT: Well, he's going to have to do it as to  
2 Natasha Thomas, and Hakeem Pinckney and Arthur Badger. We got  
3 that. But the struggle I'm having here is, the government  
4 points out, well, we didn't seek these funds from Hannah  
5 Plyler and Malik Williams because that money got paid back.

6 MS. LIMEHOUSE: That's correct, your Honor.

7 THE COURT: I'm just struggling a little bit why we  
8 take his fees. I notice a bulk of these fees actually are  
9 paid before the criminal scheme begins.

10 MS. LIMEHOUSE: Well, if I can pull up an Exhibit  
11 that we can just use, because, you know, when we talk numbers,  
12 it's better to have a visual.

13 THE COURT: I completely understand. It's probably  
14 that last page in your restitution order.

15 MS. LIMEHOUSE: That's correct.

16 THE COURT: It has to be one of the most confusing  
17 charts I've ever seen.

18 MS. LIMEHOUSE: I'll take credit for it, your Honor.

19 THE COURT: But I did figure it out. It took me a  
20 minute, and eventually was not that helpful.

21 MS. LIMEHOUSE: Fair enough. Fair enough.

22 Government's 198, page 14. So, we gave Mr. Laffitte  
23 the benefit of the fees related to Angela and Alaina and  
24 Justin Plyler, because there weren't loans extended from these  
25 counts, and we don't have any evidence, and evidence wasn't

1 presented during the trial, that he mismanaged those funds.  
2 But the first sort of fees we request is a little over \$91,000  
3 from fees he that took from Hannah Plyler. And this was the  
4 first sort of lump sum fee he took as a five-percent --

5 THE COURT: You want to throw up that chart? Can we  
6 do that? There it is.

7 MS. LIMEHOUSE: Yes. So, the first fee requested is  
8 the first Hannah Plyler fee on the second line of April 20th.  
9 And that's the lump sum that Mr. Laffitte took from the  
10 settlement that Hannah Plyler received. And then what he  
11 continues to do is give himself fees for the management of  
12 that conservatorship.

13 THE COURT: Ms. Limehouse, let's start with that.  
14 The 91,455 that you're referring to is April 20, 2000 what?  
15 Is it '9, '10? What is it?

16 MS. LIMEHOUSE: It's 2009.

17 THE COURT: Okay. According to the indictment, it  
18 says from 2011 forward.

19 MS. LIMEHOUSE: That's correct, your Honor. It's the  
20 government's position that he mismanaged Hannah Plyler's --  
21 all of the amounts held in her conservatorship accounts. And  
22 so, he received these --

23 THE COURT: So, he was paid at this point. It was  
24 for services he was going to provide, not just services  
25 provided at that point?

1 MS. LIMEHOUSE: And while we admit he did a lot more  
2 for Hannah Plyler than he did for any of the other victims,  
3 rather than properly manage those funds, he extended himself  
4 loans at favorable interest rates to pay off his own personal  
5 expenses. And then, of course, he extended unsecured loans to  
6 Alec Murdaugh, without any notice to Hannah Plyler or approval  
7 from Hannah Plyler or her guardians or anyone else, all to his  
8 own benefits. And he's never had to disgorge himself of those  
9 fees.

10 And I think what's most indicative about sort of the  
11 validity and legality of these fees and whether he should be  
12 able to keep them, is that if you look at the last grouping of  
13 fees from Hannah Plyler in 2015, she was turning 18, and, of  
14 course, he owed her a substantial amount of money on the loans  
15 that he had extended himself from her conservatorship account.  
16 And what he did, rather than pay those loans back in full, is  
17 he credited himself what he claimed to be owed for managing  
18 her money. And so, he reduced the amount that he owed her on  
19 those loans by amounts he claimed he was owed in conservator  
20 fees and, of course, got a loan from Johnny Parker to pay off  
21 the remainder of it.

22 So, when I look at the legitimacy and legality of  
23 these fees, we see how he's actually collecting them and how  
24 he's using them, and it's really just for his own continued  
25 personal benefit to pay off the loans that he owes her. And,

1 of course, she didn't know that this is how he was collecting  
2 and attributing his fees. And so, we think that all of Hannah  
3 Plyler's conservator fees should be included in the  
4 forfeiture, and he should be required to disgorge himself of  
5 the ill-gotten gains he received on this part of the scheme.

6 And then, of course, the Malik Williams  
7 conservatorship accounts --

8 THE COURT: Remind me about those.

9 MS. LIMEHOUSE: Sure. So, Malik Williams was not a  
10 client of Alec Murdaugh. He was actually a client of Paul  
11 Detrick, another partner at the law firm. And Mr. Laffitte  
12 was appointed to serve as a conservator for Malik Williams.  
13 Comfortably, he managed a much smaller amount of the --

14 THE COURT: Didn't he loan the money to Mr. Murdaugh?

15 MS. LIMEHOUSE: He did. He actually took it out of a  
16 CD, where there would be security in Mr. Malik Williams'  
17 conservatorship account, and he loaned it all to Mr. Murdaugh  
18 in an unsecured loan that he then paid back within weeks from  
19 stolen funds. And so, rather than properly manage the  
20 conservatorship account from Malik Williams, as he was charged  
21 to do, he mismanaged the money, just like he did with Hannah  
22 Plyler. So, we think he should be required to disgorge  
23 himself of his ill-gotten gains in this scheme.

24 THE COURT: Mr. Parente, how much time would Mr.  
25 Laffitte estimate he spent on behalf of Hannah Plyler as a

1 fiduciary?

2 MR. MOORE: Can you give us a moment, your Honor?

3 THE COURT: Take a moment.

4 *(Discussion held off the record.)*

5 MR. PARENTE: Your Honor, Mr. Laffitte estimates  
6 about 160 hours or so, at a minimum, on the Plyler  
7 conservatorship.

8 THE COURT: You want to detail to me what he did for  
9 that 160 hours? That's four weeks of work, full time.

10 MR. PARENTE: Your Honor, you mentioned some of the  
11 things I think those came out at trial, that Mr. Laffitte  
12 engaged in with -- with --

13 THE COURT: I mean, I heard his description at trial.  
14 I just am surprised it's that high.

15 MR. PARENTE: Your Honor, I think the big issue with  
16 the criminal forfeiture here is that the indictment states  
17 that the conspiracy began on or about July of 2011. And  
18 because this is criminal forfeiture, it has to be tied to the  
19 conviction.

20 THE COURT: You see, this is the point I was trying  
21 to sort of flesh out. He's paid in 2009 as a conservator,  
22 sort of up front for services. And then he engages in  
23 allowing Murdaugh and himself to borrow money from Hannah  
24 Plyler in a manner that is very disloyal to her, as it was  
25 disloyal for Malik Williams. So, yes, that's why I'm trying

1 to ferret out here -- I don't see anything for Malik  
2 Williams -- but as to Hannah Plyler, maybe there's some offset  
3 there on that amount. I'm trying to kind of figure that out.  
4 So, talk to your client. 160 hours sounds very high to me,  
5 from what he described at trial. Y'all revisit and tell me  
6 what he did.

7 MR. PARENTE: And, your Honor, I do have -- just  
8 based on the timing of the issues, based on the timing of the  
9 indictment, if you take the amounts that are listed on the  
10 right-hand side of the screen for 2015 -- those are all  
11 clearly after the period in the indictment -- that total is  
12 about \$22,000 during the conspiracy period. I would also like  
13 to note, your Honor, that -- you made a comment earlier about,  
14 you know, the fine and victims having priority. The criminal  
15 forfeiture would go to the government. Obviously, they could  
16 use it as restitution if they wanted to. But, you know, there  
17 is going to be an ability-to-pay problem at the end of the day  
18 here.

19 THE COURT: I'm not sure that's true.

20 Ms. Limehouse, what about the effect? How would the  
21 forfeiture money be applied?

22 MS. LIMEHOUSE: I first want to just address this  
23 whole 160-hour argument.

24 THE COURT: Yes.

25 MS. LIMEHOUSE: We remember how he was spending those



1 160 hours: Drafting promissory notes for these bogus loans to  
2 Alec Murdaugh and himself; moving all of these funds around to  
3 try to have Hannah paid off and get Alex's funds back in the  
4 green.

5 THE COURT: I'm sure it was time consuming.

6 MS. LIMEHOUSE: It was incredibly time consuming.  
7 And that's time that he chose to spend, without Hannah  
8 Plyler's approval or consideration whatsoever.

9 THE COURT: See, that is why I was asking the  
10 question -- I'm going to come back to Mr. Laffitte on this.  
11 But what did he do specifically for Ms. Plyler? Not what he  
12 did in marshaling all these funds, moving them around like a  
13 chessboard. What did he do specifically for her? I know he  
14 made a trip to, I believe, Columbia or Lexington, something  
15 like that, for a house. Was this more than one trip? I'm  
16 just not sure.

17 MS. LIMEHOUSE: Which she reimbursed him for.

18 THE COURT: I'm sorry?

19 MS. LIMEHOUSE: When he made the trip to Columbia, he  
20 was reimbursed out of the conservatorship account for that  
21 trip.

22 THE COURT: How was he reimbursed?

23 MS. LIMEHOUSE: He reimbursed himself.

24 THE COURT: At an hourly rate?

25 MS. LIMEHOUSE: That's my understanding, yes. And

1 paid for his lunch out of her conservatorship. So, I don't  
2 know how you can parse through what was legitimate --

3 THE COURT: Well, I think you can parse some. I  
4 mean, you know, there is this issue. I'm trying to figure out  
5 exactly what he did. And if I can't come up with that, I may  
6 assess, once I get a description, a reasonable estimate of  
7 what. And then we're going to figure out a reasonable hourly  
8 rate. And we may offset that.

9 Yes, Mr. Moore.

10 MR. MOORE: Can I just say one thing, your Honor?

11 THE COURT: I welcome it.

12 MR. MOORE: I hate to interrupt Mr. Parente's flow,  
13 but your Honor asked the question of Ms. Limehouse about  
14 restitution and forfeiture. My understanding is -- and things  
15 may have changed since I left the department -- you can apply  
16 forfeited funds to restitution, but it is a complicated,  
17 complex process that requires the approval of certain folks.

18 MS. LIMEHOUSE: We do not intend to do that, because  
19 we think that would be a windfall for the defendant. He has  
20 more than enough assets to satisfy forfeiture and restitution.  
21 And if that were a problem, we would, of course, prioritize  
22 the restitution and make sure that the victims were paid  
23 before seeking forfeiture. But he has plenty of assets to  
24 satisfy both of our requests.

25 THE COURT: You know, the PSR, which I've adopted as

1 the findings of fact for purposes of sentencing, shows he has  
2 assets of \$10 million and liabilities of 5 million. But I've  
3 just assessed restitution of \$3,555,884. So, there should be  
4 sufficient funds, so I'm not sure that's a factor.

5 I know Mr. Parente is talking to Mr. Laffitte. Why  
6 don't we just take a break -- I don't want to kill my court  
7 reporter -- and give Mr. Parente and Mr. Laffitte a chance to  
8 talk about it. And then when we come back in about  
9 10 minutes, let's sort out a reasonable estimate for this.  
10 Because I'm prepared to give offsets.

11 MR. MOORE: Thank you, your Honor. Yes, sir. And I  
12 will want to be heard for just a moment after the break, about  
13 the point that Mr. Parente made, which is this is a -- I  
14 understand that the government wants Mr. Laffitte to disgorge  
15 this money. I understand that, okay? As a logistical matter,  
16 I understand it. But, again, this is criminal forfeiture that  
17 we're talking about, and it has to relate to the convictions  
18 in the indictment. That's the point I wanted to make.

19 THE COURT: Well, it does, because it's mentioned as  
20 part of the conspiracy. It's in the indictment. The conduct  
21 regarding Hannah Plyler and Malik Williams is referenced in  
22 the indictment and constitutes some of the underlying facts  
23 supporting the criminal conspiracy. I was at the trial here.  
24 And, plainly, all this moving the money around, Hannah  
25 Plyler's money and Malik Williams, to a lesser extent because

1 it was a smaller amount, was pretty carefully featured during  
2 the trial.

3 MR. MOORE: And, your Honor, I do not quibble with  
4 those facts. I do not quibble with those facts. My point is  
5 simply a legal point, which is if he got these conservator  
6 fees before the government alleges that the conspiracy began,  
7 I don't know that, legally, they are entitled to anything  
8 under criminal forfeiture that he received prior to the date  
9 of their alleged conspiracy.

10 THE COURT: Here's the flaw of that argument, Mr.  
11 Moore: He is paid \$91,000 in April of 2009.

12 MR. MOORE: Yes, sir.

13 THE COURT: Sort of an advance for services he is  
14 going to render to this minor child.

15 MR. MOORE: Yes, sir.

16 THE COURT: And that continues after the conspiracy,  
17 and is part of the conspiracy.

18 MR. MOORE: I understand that.

19 THE COURT: So, I'm trying to sort out what part of  
20 his conduct was before the -- you know, that involved  
21 assistance to Ms. Plyler before or after the conspiracy, and  
22 what part facilitated the improper transfer of these funds?  
23 And that's what I'm trying to sort out here. And I'm trying  
24 to give your client a break here by --

25 MR. MOORE: I recognize that and I appreciate it.

1 THE COURT: And so, you know, let's give Mr. Laffitte  
2 and Mr. Parente a little time to sort that out. And let's get  
3 a sort of itemization of trips made and that kind of thing.  
4 And then I'm concerned about -- you know, I'm trying to figure  
5 out how he was paid for those, and how much he was paid, and  
6 how it was calculated. I'm interested in all that, okay?

7 MR. MOORE: Thank you, your Honor.

8 THE COURT: Thank you. We'll take a break.

9 *(Recess.)*

10 THE COURT: Please be seated.

11 Ms. Limehouse, would you put back up that chart?

12 MS. LIMEHOUSE: Yes, your Honor.

13 THE COURT: Okay. Mr. Parente, have you had a chance  
14 to sort out a bit about specific things that the defendant did  
15 on behalf of Ms. Plyler -- Hannah Plyler?

16 MR. MOORE: Your Honor, do you mind if I take this  
17 one?

18 THE COURT: You got it.

19 MR. MOORE: Okay. So, let me first tell you that we  
20 had a brief discussion with the government at the break. And  
21 I understand what you're doing, and we very much appreciate  
22 that. You were trying to give him credit where credit is due,  
23 and we very much appreciate that. And so, I have a list of  
24 some of the things that he's done, okay? And I can go through  
25 those, some of which probably are later in the day and I don't

1 really think addresses your Honor's questioning and concern.

2 In discussions with Ms. Limehouse and Mr. Holliday, I  
3 withdraw all my objections, including the legal one that I  
4 just mentioned to your Honor -- and I know your Honor  
5 disagrees with me on the law on that -- but with a 33-percent  
6 discount of that fee for the Plyler fund.

7 THE COURT: What's the government's view on that?

8 MS. LIMEHOUSE: Yes, your Honor. We understand where  
9 the Court's heading. And because this has nothing to do with  
10 making the victims whole, but is really just about disgorging  
11 himself of fees, to the government's benefit, we agreed to a  
12 33-percent reduction on that \$91,000 Plyler fee collected on  
13 April, the 20th.

14 THE COURT: So, what would be the net forfeiture now  
15 with the 33-percent discount?

16 MS. LIMEHOUSE: I like his calculator.

17 MR. MOORE: I could probably do that. But what I  
18 would just simply suggest, your Honor, because your Honor  
19 doesn't have to enter the preliminary order of forfeiture --

20 THE COURT: Right. I'll sign an order of forfeiture,  
21 but I'd like to know what the number is.

22 MR. MOORE: We'll get you that number, if you'll give  
23 us just a little bit.

24 THE COURT: Okay. Very good.

25 MR. MOORE: Because we need to take the third of that

1 91 and add the Malik figure to the top of that.

2 MS. LIMEHOUSE: I just want to make sure we get the  
3 math right.

4 THE COURT: Y'all do it, and we'll come back to it.  
5 Y'all remind me before we end.

6 Are there any other objections from the defendant  
7 regarding any aspect of the presentence report that we have  
8 not already addressed and ruled upon?

9 MR. MOORE: There are none, your Honor.

10 THE COURT: Very good. Okay. And I have announced  
11 the calculations for the total offense level, criminal  
12 history, guideline range, special assessment and restitution.  
13 And I will do forfeiture once the parties -- and I commend the  
14 parties for working it out. I think that's a reasonable  
15 result under the circumstances, recognizing that, unlike some  
16 of the other individuals for which the defendant performed  
17 fiduciary services, there was evidence he did things on behalf  
18 of Hannah Plyler.

19 Okay. Does the government have any objection --  
20 well, the government has no objection to the presentence  
21 report; is that correct?

22 MS. LIMEHOUSE: No objections, your Honor.

23 THE COURT: Very good. Okay. Mr. Moore, I'm glad to  
24 hear from you regarding sentencing.

25 MR. MOORE: So, you want to hear from us, not the

1 government first; that is correct?

2 THE COURT: That's the way it goes. I hear from  
3 defendant first, yes, sir.

4 MR. MOORE: Okay. All right. I will tell your Honor  
5 that I do think we have the math for you.

6 THE COURT: Good. What's that number?

7 MR. MOORE: I believe that when you reduce these fees  
8 by a third and add the Malik Williams figure, it's \$85,245.02.

9 THE COURT: Okay. I want the government to confirm  
10 that, and then we will do that. Usually the government  
11 submits me a proposed order of forfeiture.

12 MS. LIMEHOUSE: Yes. We will send a revised  
13 preliminary order of forfeiture to Ms. Perry.

14 THE COURT: Very good. Okay. Let me hear from you  
15 regarding sentencing.

16 MR. MOORE: Yes, sir, your Honor. Can I tell you how  
17 I intend to proceed, and make sure that --

18 THE COURT: You know, you're in charge here. So,  
19 it's your own presentation. You're the captain of your ship.

20 MR. MOORE: Well, thank you, your Honor.

21 First off, we appreciate the fact your Honor is  
22 allowing us the opportunity to present as to the appropriate  
23 sentence. And I understand that the government is going to  
24 have something to say after we go. And I hope your Honor will  
25 give us a brief moment to --



1 THE COURT: I'm going to give you a chance to reply.  
2 Don't worry about that.

3 MR. MOORE: Okay. And at what point does your Honor  
4 wish to hear from Mr. Laffitte? Because he is going to  
5 exercise his right of allocution.

6 THE COURT: As part of your presentation, I'll be  
7 glad to hear from Mr. Laffitte and anyone that you wish to  
8 call on his behalf. I will also hear from the government and  
9 any victims it wishes to offer.

10 MR. MOORE: Yes, sir. Yes, sir.

11 So, as I think your Honor said earlier, you know, we  
12 are operating in a bit of a disadvantage because we weren't  
13 here at trial. But we are hoping and we're trying to  
14 compensate for that disadvantage. And so, how we intend to  
15 proceed, your Honor, is to talk about Russell Laffitte as a  
16 person, okay, and to talk about Russell Laffitte as a person  
17 and to tell your Honor some things that your Honor didn't hear  
18 at trial. And I understand why your Honor didn't hear those  
19 things at trial, right? I understand that. And as your Honor  
20 knows, we have provided your Honor with a large number of  
21 letters.

22 THE COURT: I've read them all.

23 MR. MOORE: And I know that your Honor has, okay.  
24 And some of those people who've written your Honor letters are  
25 here to speak today.

1 THE COURT: If they wish to the speak, I'm glad to  
2 hear from them.

3 MR. MOORE: And so, what we want to do is, Ms. Shoun  
4 is going to present the witnesses in the order in which they  
5 -- and they're not really witnesses, but they're here to speak  
6 on Russell Laffitte's behalf.

7 THE COURT: Normally -- let me just tell you how we  
8 do it. I bring anyone who wishes to speak to the podium, and  
9 they speak. I don't have a lot of lawyer involvement in this.  
10 I'll do that both as to -- I won't have the government  
11 questioning the victims here. They will come and they will  
12 share with me what they wish to share.

13 MR. MOORE: Yes, sir. There are nine of them, so Ms.  
14 Shoun is sort of like responsible for keeping them in order.

15 THE COURT: Don't worry. I can keep them in order.

16 MR. MOORE: And then Ms. Shoun is going to talk about  
17 some of those things, and then I'm going to come back and talk  
18 about the 35th.

19 THE COURT: And, you know, I've got to say, I think  
20 this is an appropriate approach. We spent an awful a lot of  
21 time talking about the defendant's criminal conduct, but we  
22 haven't talked a lot about his family background, his service  
23 to the community. You know, in some ways, maybe Mr.  
24 Laffitte's legacy will entirely be governed by memory of these  
25 unfortunate events. But there's more to that, I know that.

1 And I read with care your 3553(a) factors and the information  
2 that you provided and I welcome hearing anymore you want to  
3 offer me.

4 MR. MOORE: Thank you, your Honor.

5 So, without further adieu then, we're going to ask  
6 the witnesses to come in and speak. And then we will proceed  
7 from there.

8 THE COURT: Very good.

9 MR. MOORE: So, Ms. Shoun?

10 MS. SHOUN: May it please the Court, your Honor.

11 THE COURT: Always good to have you in my courtroom.

12 MS. SHOUN: Thank you, your Honor. It's so good to  
13 be here. I recognize it's a little unusual under these  
14 circumstances. Your Honor, we do have a list of nine  
15 individuals. Would your Honor like me to present that list to  
16 the Court?

17 THE COURT: No. I just think you call them up, and  
18 then I'll let them make a statement. And if I have any  
19 questions of them, I'll ask them.

20 MS. SHOUN: Thank you, your Honor. I appreciate it.  
21 The first individual we'd like to come forward, please, is  
22 Reverend Thomas Kelly.

23 THE COURT: Thank you for being here, Reverend. Good  
24 to have you here, sir.

25 REVEREND THOMAS KELLY: Thank you, sir. Thank you

1 for letting me be here today.

2 Before I moved to Hampton County -- I've been a  
3 pastor there for 29 and a half years -- I was part of an  
4 independent banking family. My mother was in banking. And I  
5 understood the Laffitte's. The Laffitte's were always -- that  
6 was kind of a very loose fraternity. And the Laffitte's were  
7 always seen as very trustworthy, hard-working people, people  
8 that were very much a part of the community to make the  
9 community a better place. When I moved to Hampton County  
10 approximately 29 and a half years ago, I began to bank with  
11 the Laffitte's; began to know Charles, first of all, and then  
12 Russell and his sister, Grey. And I got to know them very  
13 well. Later on, my wife began to teach with Susie, Russell's  
14 wife. And that was before Russell and Susie got married. I  
15 still remember the day that they got engaged, and I went by  
16 the school and congratulated them. And not before long,  
17 Russell asked me, he said: Would you do the honors of  
18 marrying Susie and myself?

19 THE COURT: I figured that was coming.

20 REVEREND THOMAS KELLY: That was right. And I had  
21 the privilege of marrying them. And we did a lot of things  
22 together, Russell and Susie and I. We were friends together.  
23 We've been out to eat together. We've been in each other's  
24 homes. They've come to my daughter's baptism. I've been a  
25 part of their children's baptism. Even though I'm baptist and

1 they're Episcopalian, we are --

2 THE COURT: You don't hold it against them.

3 REVEREND THOMAS KELLY: That's right. You can't live  
4 in the south and not be a little bit Baptist.

5 THE COURT: That's right.

6 REVEREND THOMAS KELLY: But anyway, we did that. And  
7 I can remember one of the most caring things I ever saw about  
8 Russell. My daughter had a little girl crush on Russell. And  
9 I remember one day we were in Russell's house, and my daughter  
10 picked up one of Russell's turkey calls and she didn't know  
11 what to do with it. And Russell, you could tell this wasn't  
12 the first time he had done this with a child. He walked and  
13 got behind her and took one hand and cupped the call in hers  
14 and the strike in the other, and he taught her what it was  
15 like to call a turkey. I remember that so very vividly.

16 Not long after that, Russell called me one day after  
17 the children were up a little bit, and he said: I need you to  
18 do me a favor. And I said: What's that, Russell? He said:  
19 Would you serve on the Hampton County Special Needs and  
20 Disabilities Board? Russell and I served on that board. If  
21 you are ignorant to what that board does, we look out for  
22 people that have special needs. Each county has one. You  
23 have to be appointed by your representative. It is a process  
24 to be a part of that board. And Russell and I served on that  
25 board.

1           Also, I would bank with Russell. And I would go in.  
2           And I know our church banked with the Laffitte's. And we had  
3           a very, very good relationship with them. But I do remember  
4           going in many times. It didn't matter the station of that  
5           person's life, their age, their gender, their race, their  
6           creed, Russell always took time for them. That's the kind of  
7           person Russell was.

8           Someone asked me not long ago about Russell with all  
9           this going on: How do you feel about Russell? And I'll end  
10          with this. The Bible makes a statement about the Holy Spirit.  
11          And it said: "He stands closer than a brother." I would put  
12          my life, my family's life, the life of my church, all in the  
13          hands of Russell Laffitte.

14          THE COURT: Well, Reverend, I think you've probably  
15          said this in many a sermon: "We hate the sin, not the  
16          sinner."

17          REVEREND THOMAS KELLY: That's correct. But I would  
18          put my last dollar on the table and turn my back if Russell  
19          Laffitte was in the room and know it would be there.

20          One last thing I did when Russell was in banking and  
21          he realized he had to move up the ladder and he had to get an  
22          advanced degree, he came to me and he asked me to proctor his  
23          degree. It was from Troy State University in Alabama.  
24          Russell came to my house and took his exams. Russell was  
25          always honest and trustworthy as I watched him take those

1 exams. That was the person that Russell Laffitte was. The  
2 only thing -- one of the biggest things that I hate about all  
3 this is nobody ever got to hear about the person that Russell  
4 Laffitte really is.

5 THE COURT: Well, Reverend, we're going to hear it  
6 today.

7 REVEREND THOMAS KELLY: Thank you.

8 THE COURT: Thank you, sir.

9 MS. SHOUN: Your Honor, if I might ask Russell's  
10 mama, LaClair Laffitte, to come forward.

11 THE COURT: And who is this fine young man who  
12 escorted you here, Ms. Laffitte?

13 MS. LACLAIR LAFFITTE: This is my grandson, Luke  
14 Laffitte.

15 THE COURT: Okay.

16 MS. LACLAIR LAFFITTE: Your Honor, I come before you  
17 today as an 84-year-old mother who just wants you to know my  
18 son, to know who you are sentencing today. It is hard to  
19 envision life without Russell. He has been the lynchpin of  
20 our family for many years, for his brother, with health  
21 issues; for his sister, as a single parent; and for Charlie  
22 and me, especially now that we're getting older. I could tell  
23 you a hundred incidents to try to show you who Russell is and  
24 why I need Russell, why our whole family needs Russell, but no  
25 one wants to hear a mother just rambling about her children.

1 So, I'll give you just one little example.

2 One morning, I was headed out to the dentist out of  
3 town on a two-lane road that just had lots of commercial  
4 traffic. And while going, I met an oncoming big dump truck.  
5 I pulled a little far to the right, and the front wheel  
6 dropped off the pavement. No alarm. I just gently tried to  
7 pull it back on. I pulled it back a little bit farther, and  
8 nothing is moving as I am drifting down into a very deep  
9 ditch. I looked up and saw a telephone pole dead in front of  
10 the hood. Before I could even react to that, there was a  
11 bang. The rearview mirror popped off the side, and the car  
12 just gently rested on the telephone pole. I was scared to  
13 move, because I thought the car was going to flat turn over.  
14 But my telephone was resting just gently on the center  
15 console. I called 911 to reassure her I was okay. But I was  
16 leaning. I kept saying: I might turn over in this ditch.  
17 Then I called Russell: Russell, I've had a wreck. He  
18 replied: Are you all right? Where are you? Is the car able  
19 to move? And I answered: Fine. I gave him my directions  
20 where I was. And I said: No, the car can't move. I'm on my  
21 way. Click.

22 The deputies came, and Russell arrived with a  
23 rollback just minutes behind him. The deputies had gotten me  
24 out of the car. And that was a struggle, because I was  
25 scared. I said: If you make me move this car, it's going to



1 turn over. They were two wonderful men. And they kept  
2 saying: Don't worry, Russell will be here soon. He's coming.  
3 And he was. When he arrived, they stopped the traffic, they  
4 loaded the car on the rollback, and I was safe. I was safe in  
5 Russell's truck. And we were headed back to Hampton, thanking  
6 God for the promised prompt law enforcement officers and for  
7 the response of a very caring son. This is Russell in a  
8 nutshell. What am I going to do without him? What are we  
9 going to do without him?

10 And, Judge Gergel, as I told you in my letter, I will  
11 miss Russell's daily calls and visits. I will miss his  
12 old-lady jokes and his kisses on top of my head. I will miss  
13 knowing that he would drop any and everything to tend to his  
14 daddy and me, and to his precious Susie, Carter and Luke and  
15 more. Believing that God has a plan for our family, I just  
16 need to hope -- just to hope -- that I can live long enough to  
17 be able to hug Russell as a free man. I pray, Judge Gergel,  
18 with all my heart, that your mercy will prevail.

19 THE COURT: Thank you, ma'am, for being here.

20 MS. LACLAIR LAFFITTE: Questions?

21 THE COURT: I have no questions.

22 MS. SHOUN: Your Honor, Mr. Jernigan. Alex Jernigan.

23 THE COURT: Very good.

24 MR. ALEX JERNIGAN: Good morning, your Honor.

25 My name is Alex Jernigan. I'm from Seminole County

1 in southwest Georgia, down in the corner of the state.  
2 Unfortunately, my hometown was made famous 50 years ago, when  
3 six members of one family were murdered by three escaped  
4 convicts. I tell you this because I saw firsthand as a young  
5 child how a small community could be rocked by a horrific  
6 crime. The Alday murders shook my community much like the  
7 Murdaugh family murders have shaken Hampton County. I come to  
8 you today as a friend of Russell Laffitte for roughly 13  
9 years. I work in the financial services industry. And the  
10 first eight years of my 30 years of my career, I was a banker.  
11 I sat behind a desk, I loaned money, just like my friend,  
12 Russell.

13 Russell and I first met in 2010, while I was  
14 attending a banking convention. I would characterize the  
15 first few years of a friendship as a very casual one, in that  
16 we saw each other at conventions, I stopped by his bank a few  
17 times, I met him in Hampton. But in January of 2014, my world  
18 was rocked forever when I lost my 17-year-old son in a boating  
19 accident on Lake Seminole. Russell was not someone I thought  
20 to call during my tragedy. But three days later, I received a  
21 call from him that has forever changed my life. You see,  
22 Russell is an avid reader. I learned that day he starts his  
23 morning between 5:30 and 6:00 o'clock, and he begins his daily  
24 learning by learning about his community and his extended  
25 community, and their needs and where he is needed. That

1 morning, he read that a young life was taken too soon, a life  
2 he thought may have been connected to me. Russell called to  
3 see if this was my son and what he could do to help. That  
4 day, there was nothing he could do. But the next week, he  
5 called again, and the next week, he called again and then  
6 again. Russell probably called me every month for the first  
7 two years of my grief. He called a guy six hours away just to  
8 make sure I was okay. During that time, I lost friends I had  
9 known my entire life, because they didn't know or care to know  
10 about my family's grief. Russell was a support line that I  
11 desperately needed. I was invited to the family farm. My  
12 family stayed in the 100-year-old farmhouse, and we shared  
13 stories and we shared our grief.

14 Fast forward to October 2018. Hurricane Michael  
15 leaves our community devastated by Cat 5 winds. Again,  
16 Russell was one of the first to call. He asked how long we  
17 would be without power, and I told him I thought three to  
18 four weeks. The following day, he calls. He says: I'm one  
19 hour away. What's the quickest way to get to your house? You  
20 see, Russell had called a friend who had a generator to power  
21 my entire home. He and his daughter, Carter, were coming to  
22 help. Five hours after that call, my house had power, with  
23 the exception of AC, the only house powered in my  
24 neighborhood. Probably 30 of my neighbors could now take  
25 baths and showers for the next three to four weeks.

1           The following day, he and Carter get up and they pick  
2 up limbs for 12-plus hours before leaving to drive six hours  
3 back to Hampton. But that wasn't enough for Russell. He saw  
4 how much work I had to do. So, two days later, another  
5 gentleman shows up at my house with a tractor from the  
6 Laffitte farm. Russell calls me and says: Keep it for a  
7 month, clean up as many trees as you can at your place and  
8 then loan it to the neighborhood. That's the type of person  
9 Russell Laffitte really is.

10           Your Honor, I could tell you more and more stories,  
11 but I know my time is limited. What I want you to know is  
12 Russell is a good man, a God-fearing man, a man that his  
13 community has and can rely on, one that puts family and  
14 neighbors first in all his decisions, a very humble man. Our  
15 gentle giant.

16           When this began, Russell was 18 months away from  
17 being named chairperson of a national banking trade  
18 association, elected by his peers from around the United  
19 States, the second banker in the state of South Carolina to  
20 hold that honor, an honor that would take him to the halls of  
21 Congress to advocate for the industry that he loves the most,  
22 community banking. He has now lost that honor. He's lost his  
23 banking career that he was extremely proud of. He's been  
24 stripped of his profession. He has lost all standing in the  
25 banking community. He's been made an example of. He and his

1 family have lost so much to this tragedy.

2 Your Honor, I just ask that you please find mercy in  
3 your sentencing. Russell and his family have lost enough.  
4 Please don't take him from his family and friends for a long  
5 period of time. Thank you.

6 THE COURT: Thank you very much, Mr. Jernigan.

7 MS. SHOUN: Your Honor, Russell Laffitte's wife,  
8 Susie Laffitte.

9 MRS. SUSANNE LAFFITTE: Your Honor --

10 THE COURT: I don't have to thank you for being here,  
11 you've been here every moment through all of this.

12 MRS. SUSANNE LAFFITTE: Yes. He's very important to  
13 us. And he's been by our sides every moment, every time we've  
14 needed him. My name is Susie Laffitte and I am Russell  
15 Laffitte's wife. Because I do not trust my memory today, and  
16 I fear that I may get a little emotional, I've prepared a few  
17 notes to guide me along the way.

18 Russell and I have two children. Our oldest child,  
19 Carter, is 20 years old; and our son, Luke, is 18 years old.  
20 As you determine our family's future today, please consider  
21 that Russell is so many things to so many people, not only in  
22 our family but also in our community. Living without him in  
23 our daily lives will be the most difficult transition we could  
24 ever imagine. I ask that you consider the positive impact  
25 that Russell has had on so many lives as you make your

1 decisions here today.

2 Before I continue to talk about my husband and how  
3 much he means to me and our family, please understand that I  
4 recognize that today is not just about my husband and our  
5 family. I realize that there are people in this courtroom who  
6 have lost so much and who have been deeply affected. My  
7 husband, Russell, realizes it too. And I know he does,  
8 because I see it when he does not sleep well, when he's lost  
9 weight from lack of appetite, and when he constantly questions  
10 himself as to why he didn't do a better job for all of the  
11 victims.

12 Twenty-three years ago, Russell and I went on our  
13 first date in February. Two months later, much to the  
14 surprise of many people, including me, he asked me to marry  
15 him. In fact, he asked me three times, because I wasn't quite  
16 sure that he was serious. I said yes, and I can honestly say  
17 that I love and admire him more and more each day. Russell is  
18 a loving, thoughtful, considerate and supportive husband. In  
19 fact, in September, when a close family friend got married,  
20 she asked me to contribute her something borrowed for her  
21 wedding day, because she respected our relationship and our  
22 marriage and hoped to model her marriage on that.

23 Russell has always encouraged me and helped me to  
24 grow in numerous ways. When we got married, getting my  
25 master's in education was a professional goal for me. We are

1 in a rural district, and that is not always an easy task to  
2 accomplish, especially many years ago before online learning.  
3 Our school district arranged a partnership with a college from  
4 Massachusetts to offer a master's degree program at one of our  
5 local schools. At the time the program was scheduled to  
6 begin, I was pregnant with our first child, Carter. While I  
7 was interested in the program, I was extremely nervous about  
8 being a new mom, a kindergarten teacher, and taking on an  
9 additional commitment, and especially about leaving my newborn  
10 for an entire weekend once a month while I attended classes.  
11 Russell's encouragement is the reason that I took the leap of  
12 faith, joined the program and accomplished my professional  
13 goal. In return, he developed a very, very close bond with  
14 Carter that has continued to grow stronger over time. This is  
15 just one example of the continuous love and support that  
16 Russell has shown not only me, but our entire family.

17 In addition to being a caring husband, Russell is  
18 also a devoted father. He's a teammate. We parent together,  
19 sharing responsibilities, duties and decisions. He is an  
20 active hands-on dad, who plays a large part in our children's  
21 daily lives. In fact, on many occasions when Luke and Carter  
22 have a problem to discuss or a big decision to make, their dad  
23 is the first person they call. He is a dad who volunteers to  
24 coach baseball, manage the concession stands, but he is also  
25 proud to wear his cheer-dad T-shirt. In addition, Russell has

1 spent many, many hours outdoors with our children and  
2 instilled in them a love of nature. Not only has he made our  
3 children a priority, he has modeled kindness, generosity, hard  
4 work, giving back to our community, and always being ever  
5 mindful of the needs of others. In fact, I was in a local  
6 restaurant just a week ago for lunch, and two gentlemen  
7 stopped by my table on two separate occasions to tell me what  
8 an impressive well-mannered, hard-working young man our son,  
9 Luke, has become. I attribute Luke's character largely to the  
10 role model that Russell has provided our children and the time  
11 he has invested in being a father.

12 The one thing that frightens me the most about the  
13 drastic changes our family faces is parenting without Russell  
14 by my side each step of the way, helping to make daily  
15 decisions, helping to guide Carter and Luke through the  
16 challenging years of young adulthood, and being there to have  
17 daily lighthearted loving conversations with Carter and Luke.  
18 You see, your Honor, Russell is definitely their hero.

19 Russell is the glue that holds our family and  
20 extended family together. He is also referred to as the  
21 favorite child by both of his siblings. And my mother has  
22 fondly named him "Precious," because she considers him  
23 absolutely precious to her and our entire family. Russell and  
24 I have three elderly parents. His parents are 84 years old,  
25 and my mom is 76 years old. They all live nearby in Hampton



1 County. Once again, Russell is typically the first person  
2 they call when they need help or advice, whether it be help  
3 with cell phone issues, even when my mother's on the phone  
4 with me, reminding me to tell Russell to call her about her  
5 cell phone issues; whether it is to retrieve them after a car  
6 accident, or simply to come and change a light bulb and be the  
7 tall guy. He is also a family member who has worked  
8 tirelessly after bank hours and on many weekends since I have  
9 been married to him, to help his father maintain the family  
10 farm.

11 Russell was the first person our niece, Lillie,  
12 called when she recently hit a deer with her car. To be  
13 honest, Unc, as he is known by many, is usually the first  
14 person that members of every generation of our family reach  
15 out to for help or advice. Russell's kindness, generosity,  
16 and devotion do not end with our family. He grew up in  
17 Hampton County and he has always been Hampton County proud.  
18 In fact, if you ask him, it is not Hampton County, it is God's  
19 country. He insists on shopping locally, living locally and  
20 supporting our community. One of Russell's greatest  
21 attributes, which he learned from his mother, is that he is  
22 ever mindful of the needs of others in our community.

23 The first year our son, Luke, played little league  
24 football, there was a young player on his team who did not  
25 have practice clothing. He had one pair of football pants

1 that did not have a belt, and he held them up with one hand as  
2 he tried his best to participate in practice. Russell noticed  
3 his need and immediately purchased practice clothing for the  
4 young player and passed it along to the coach to donate to the  
5 family anonymously.

6 I cannot express with words how challenging it will  
7 be to transition to this new life of not having Russell in our  
8 life daily. I will miss him and all the joy he brings to our  
9 home every single day. His mother, father and siblings will  
10 grieve his absence. Our extended family and their friends  
11 will feel an aching void. Our community will suffer a  
12 devastating loss. We will adjust one day at a time and we  
13 will grow stronger. God has a plan and a purpose and he will  
14 reveal it to us. However, my greatest concern of all is our  
15 children, Carter and Luke. They have been blessed to have the  
16 unconditional daily love and interaction of an amazing  
17 supportive father. Carter recently wrote to her dad, "I dread  
18 the day that I did not just SnapChat you or show up to hang  
19 out in the turkey woods, but I know you will be home with us  
20 eventually." I worry about them having to navigate the  
21 crucial years of young adulthood without the guidance and  
22 daily interaction of their father. As an educator, I have  
23 witnessed, firsthand, detrimental consequences of fatherless  
24 homes.

25 As you look around this courtroom today, it is clear

1 that Russell Laffitte has made a positive impact on his  
2 family, his community, and many people of multiple  
3 generations. I ask that you have compassion and return  
4 Russell to our family and to our community as quickly as  
5 possible. Thank you for your time and attention.

6 THE COURT: Thank you, Mrs. Laffitte.

7 MS. SHOUN: Your Honor, if I might ask Sheila Platts  
8 to come forward.

9 MS. SHEILA PLATTS: Good afternoon, your Honor.

10 THE COURT: Good to have you here.

11 MS. SHEILA PLATTS: I am Sheila Platts. I met  
12 Russell in high school, close to 40 years ago. And I want to  
13 share with you and this Court and give you a glimpse of the  
14 community person that I've known him to be.

15 Russell is someone who contributes in a myriad of  
16 ways, and it's usually his love for Hampton County and also  
17 the example that his parents have set for him for his entire  
18 life. As a volunteer in our school system for many years, I  
19 observed lots of moms who stepped up to the plate. Russell is  
20 one of the few dads who was present during spring festival  
21 fundraisers, loading and unloading tables, setting up tables  
22 and just helping us get everything together for those events.  
23 He's one of the three or four dads who was there to stay until  
24 the end, helping clean up, making sure that others weren't  
25 left to do the labor alone. Russell is one who has always

1 supported our schools, whether his children were attending  
2 there or not. He's the volunteer who would make sure the  
3 concession stand was stocked and ready to go for little league  
4 games and then stand over the hot fryers and grills, cooking  
5 and serving families. Through the years, Russell has  
6 supportively and actively taken part of our two-county  
7 Festival of Trees fundraiser for hospice, as well as Relay For  
8 Life events, which support the American Cancer Society,  
9 helping us fight for a cure. He has served on the  
10 disabilities board in Hampton, and the list goes on. There  
11 are many, many, many ways that Russell has volunteered and  
12 supported.

13 I wish everyone in the courtroom could know the  
14 Russell that I know. He's a generous man. He's a fine  
15 gentleman and also a gentle man. He's the person who's never  
16 hesitated to lend a helping hand. He's the community member  
17 who contributes and is appreciated. He's the supportive and  
18 dependable son, brother, and uncle who is adored. Russell is  
19 the loving and attentive husband, who is cherished by his  
20 wife, Susie. He's a super proud and doting father and  
21 husband, who is respected by his amazing children, Carter and  
22 Luke. Susie referred to the friend who wanted to borrow an  
23 item for her daughter's wedding. That was my daughter. She  
24 was engaged on New Year's Eve of 2021 and married this past  
25 September. Immediately upon her engagement -- I'm a planner,

1 so I went ahead and I wrote her a letter in January for her  
2 wedding in September, and just listed the things, something  
3 borrowed, something blue, you know, the whole thing. And  
4 immediately, Russell and Susie were the couple -- no other  
5 thoughts, they were the couple I wanted her "something  
6 borrowed," because they are the couple who demonstrates the  
7 love that I want my daughter to have throughout her marriage.  
8 You see, he is that valued friend who makes you feel like  
9 family. He's the genuine man that my children call "Uncle  
10 Russell."

11 I know others have suffered throughout this ordeal,  
12 but please do not think that Russell and his family have not.  
13 They've suffered greatly. And I know that they anticipate  
14 more difficult times ahead. I pray daily -- multiple times  
15 daily -- that Russell would be shown mercy. And now before  
16 you, your Honor, I'm begging you to please show him that mercy  
17 I've been praying for. Please consider the words and the  
18 hearts of the people who are here supporting him in this  
19 courtroom, the people who are in the overflow room, and the  
20 people who couldn't be here today. There are many, many, many  
21 people who couldn't be here. Consider the words and the  
22 hearts of all of us, in support of the man that we know to be  
23 an upstanding, respected, helpful, contributing member of his  
24 community. Thank you.

25 THE COURT: Thank you, Ms. Platts.

1 MS. SHOUN: Your Honor, if I might ask Apostle  
2 Herbert Brown to come forward?

3 PASTOR HERBERT BROWN: Good evening.

4 THE COURT: Good to have you here, sir.

5 PASTOR HERBERT BROWN: Thank you. I'm not here to  
6 give a sermon today.

7 THE COURT: I've heard a few, by the way, during  
8 sentencing.

9 PASTOR HERBERT BROWN: I know when preacher's stand  
10 up, people sometimes draw their feet up.

11 THE COURT: Yes, sir.

12 PASTOR HERBERT BROWN: So, I'm not here to do that.  
13 Thank you all for having me today. I've been a  
14 pastor in the community where we live for the past 24 years.  
15 I first met Russell many years ago at a local automotive shop,  
16 Jimmy Butler's Auto Sale. This tall guy came and seemed like  
17 he was in a rush to get what he needed to get done and get  
18 back to work. And he was introduced to me through one of the  
19 men that worked there, and I had a few words with him. And  
20 later on, as I was going in the bank, since I had met him at  
21 the automotive shop, I would see him then in his office. So,  
22 I thought I had the right then to just go into the office  
23 every now and again and interrupt his work schedule, just to  
24 say something to him. And he appreciated that. I wasn't  
25 there, and I've never done any banking orders or things like

1 loans or anything through Russell. I've always had just the  
2 opportunity to -- and I believe the favor of just sitting in  
3 Mr. Charlie's office, talking to him. And they have helped us  
4 with our finances as far as securing our loan for the ministry  
5 that we now have.

6 And so, Russell and I would talk about hunting, which  
7 I never do and never have done; trips he would take, and the  
8 banking business and how stressful it would be sometimes. And  
9 I would talk to him about ministry, and he would listen. And  
10 I'm going to say that again, because that's going to come up  
11 later on in what I got to say. Russell would listen to what I  
12 would say. And he gave his attention to me. And after we  
13 would share our hearts and our thoughts in our hearts, I asked  
14 him could I pray. And he would: Of course. Go ahead,  
15 please. And I would pray with him. And this would go on over  
16 years.

17 So, when I heard about what has been going on in  
18 Russell's life here with this case, I took time out to  
19 personally pray for him. And by faith, I believe God told me  
20 to go and visit Russell. And this time it wouldn't be at the  
21 bank, it would be in a personal setting, and that setting  
22 became his home. So, I got his number from his mom and I  
23 called Russell and asked him could I visit him. I told him  
24 who I was. He said: Oh, yeah, Pastor Brown, I know you.  
25 Please, you're welcome to come to my home. I said: Okay.

1 Where is that? And he told me. Well, I went by and saw him  
2 that day. He was out doing something, but I met his wife,  
3 Susie. That was a strange occasion, because here it is a  
4 Black man driving to your house, I don't know who you are.  
5 But she welcomed me there. And she said: Oh, Russell talks  
6 so highly of you. Thank you for coming by, but he's not here  
7 today. And I said: I'll come back by. And so, I went back  
8 by, and Russell was there in the yard doing yard work. And he  
9 took time off to stand out in the yard and talk with me for I  
10 know an hour.

11 And so, when they moved from Varnville to the farm, I  
12 went back before the Lord, and I said: Lord, why am I going  
13 to Russell? I need help with this. Because I'm not Russell's  
14 friend, because friendship with me takes a long time to be  
15 developed for me to call somebody my friend. I'm not  
16 Russell's co-worker. I'm not Russell's family member. But I  
17 just need to know my purpose for going to Russell so that  
18 something could get accomplished in the spirit of God. And  
19 this is what the Lord told me -- I know he did. And I know  
20 I'm talking like I'm spiritual, and some of you may be  
21 thinking: How do you hear from the Lord? But anyway, God  
22 told me, through the spirit of God, saying: I want you to  
23 present yourself to him as a man of thought, but as a man of  
24 repentance and forgiveness. And so, when I went to his home,  
25 I told him some stories of my life before I became a pastor,



1 some of my failures and fallings after I became a pastor, and  
2 how I truly knew that if I repented unto God, God would  
3 forgive me; and not only forgive me, but he would recover me;  
4 and not only recover me, but he would still use me for his  
5 glory; that life just wasn't over after you made a mistake or  
6 done wrong. And Russell listened. Russell listened intently  
7 to me and he would begin to share his life with me.

8 I was never there to hear about this case. As a  
9 matter of fact, Russell and I have shared very little  
10 information about this case, because I knew that wasn't my  
11 purpose for being there. I wasn't there to be nosey or  
12 inquisitive about what was going on with him. I was there to  
13 make sure he understood that he was hearing a man and looking  
14 at a man that had made mistakes. And God forgave him, and God  
15 will do the same for Russell. And God will do the same for  
16 all of you who need to be forgiven of failures, because a part  
17 of being successful is failing.

18 So, the Russell Laffitte I have gotten to know over  
19 the last few months has shown himself to be a man with great  
20 concern and care for his wife, Susie; his two children; his  
21 family, especially his mom and his dad. Russell cares deeply  
22 about his mom and his dad and also the people of the  
23 community. Every time I go to his house or I run into him or  
24 chat with him on the phone, Russell would always ask me:  
25 Pastor Brown, is there anything I can do for you? I say:

1 Well, if it could ever be, I'll let you know. And I took that  
2 seriously and I think he's sincere about that, because he's a  
3 man that offers his help in service to people.

4 So, today, I say this in my final sayings: I pray  
5 that my life, as a man of repentance of my sins and my faults,  
6 be an example to Russell, as a man of faults -- because none  
7 of us are perfect -- but also as man of repentance. And I  
8 truly believe, through repentance, each and every one of us  
9 will be given the opportunity to still have a purposed life.  
10 It may not be exactly what we want it to be or how we want it  
11 to be, but sometimes you're moved from one thing to the thing  
12 God really needs you to be in. And sometimes we don't want to  
13 accept that simply because it wasn't our desires.

14 So, I say to the Court, thank you all for having me  
15 today. And may the mercy of the Courts and God be upon  
16 Russell Laffitte.

17 THE COURT: Thank you, sir.

18 PASTOR HERBERT BROWN: Thank you.

19 MS. SHOUN: Your Honor, if I might ask Mr. Nix -- Jim  
20 Nix -- to come forward?

21 THE COURT: Yes, sir. Thank you for being here.

22 MR. JIM NIX: Thank you, your Honor. My name is Jim  
23 Nix. I've known Russell since the early '80s, when we were in  
24 high school. But for the past 20 years, I've considered  
25 Russell one of my very best friends.

1           As you've heard today, Russell is the type who would  
2 drop whatever he's doing to lend a helping hand. I'll give  
3 two examples. One, we were coming back from Charlotte one day  
4 on a business trip. My transmission goes out on my truck in  
5 Columbia, left on the side of the road. It just so happens,  
6 Russell calls: Hey, what you up to? Broke down on the side  
7 of the road. No questions asked. I'm on my way. Hangs up  
8 the phone. Ten minutes later, he says: Exactly where are you  
9 at? I'm on the way. He comes and gets me. He has a car  
10 hauler and pulls my truck back to Hampton, where I live. No  
11 questions asked. Another example, me and my son were in the  
12 Savannah river one early morning in January, duck hunting.  
13 Boat motor goes out. One call. Thank God, I had service.  
14 One call. Russell's on the way to fish us out the river.

15           Russell, as you've heard, gives himself to the  
16 community. You know, you've already heard how he helps out  
17 local organizations, kids, sports, coaching, helping with the  
18 concession stands, you know, cooking, staying up all night  
19 cooking for the rotary club, different events, high school.  
20 Russell is a very thoughtful man. So, one example me and my  
21 wife noticed very early on in our relationship with Russell  
22 and Susie is that if we go out one night, go out to dinner or  
23 whatever, the next morning, we always get a phone call: Hey,  
24 just enjoyed last night. You know, it never failed, he would  
25 always call the next day to say how much he enjoyed our

1 company. And that meant a lot to us.

2 I consider Russell a family man. This is evident in  
3 the promise he made to Susie whenever they first started  
4 having kids. He made a promise that he would try to be home  
5 every night for supper. One day, I asked Russell: Why did  
6 you make that promise? It was weird to me. And he said,  
7 because when he was coming up, his dad would close down the  
8 bank and then he'd have to go work on the farm, and it would  
9 be late at night when he would get back home. And Russell  
10 missed that interaction with his father, having supper with  
11 him at night. And to my knowledge, every night, Russell had  
12 supper -- unless he was traveling -- with Susie and the kids.  
13 He's kept that promise for 20 years.

14 And, you know, your Honor, you've heard everything  
15 that everybody said. I can only keep talking, but we just ask  
16 leniency from the Court on Russell and his family.

17 THE COURT: Thank you for being here.

18 MR. JIM NIX: Thank you.

19 MS. SHOUN: Your Honor, next I would ask Ms. Carter  
20 Laffitte to come forward.

21 CARTER LAFFITTE: Your Honor, I stand before you  
22 today proud to be Russell Laffitte's daughter and still proud  
23 to be Russell Laffitte's daughter after sitting in the  
24 courtroom for most of the trial last November. I wasn't here,  
25 I was next door taking a school exam. I knew how difficult it

1 would be to balance my class work, as a student at the  
2 University of the South Carolina, and to be here for the  
3 duration of the trial. But I knew the importance of being  
4 here for my father and my family in a time of need, something  
5 I've learned from my dad's support and so many others that  
6 you've heard about today.

7           The man you will read about in the media and the man  
8 we heard about in November is not the man I know. The man I  
9 know calls me "Ding Dong" and sends me Sargie's (*phonetic*)  
10 bird dogs almost every morning. He's instilled in me a shared  
11 love for Hampton County and its community, a community he  
12 tirelessly advocated for as their banker. I've personally  
13 mowed the lawn at Palmetto State Bank more times than I can  
14 count, and I worked there as a teller from the time I was able  
15 until last December. I worked at the bank while we navigated  
16 the COVID-19 pandemic under my father's leadership. And I've  
17 seen the unique challenges of serving such an economically  
18 depressed area, like Hampton and Allendale County. My  
19 father's exemplary leadership and his service to the bank, his  
20 dedication to his employees, customers and every one that the  
21 bank serves, inspired me to return to Hampton, post grad, as a  
22 fifth generation community banker. Safe to say, that all  
23 changed in January of 2022.

24           Throughout our family's ongoing legal battle, my  
25 mother has insisted that we go to therapy and seek a safe

1 place to discuss our ever-changing reality. In our first  
2 meeting with our counselor, he told me he noticed when Hampton  
3 was mentioned to my dad and myself, that we were both visibly  
4 upset, and asked why I felt that was. I know why that is. My  
5 father and I both love Hampton, because, to us, it's not just  
6 the home of the Murdaugh's, or a place with little to see or  
7 do. Hampton, to us, is being within five minutes of our  
8 favorite people, our immediate family, and 15 minutes of our  
9 favorite place to farm. That is his haven and the home to our  
10 favorite past time, turkey hunting. I'll spare you the  
11 stories. You've heard a lot of them. Hampton, to us, is  
12 where we were born, where we live, and where we plan to die.  
13 I've always known I have my father's full support. Most  
14 people would tell you that I'm "Little Russell," and call me  
15 "Russellette." He's a great dad to Luke and me, but he's a  
16 father figure to so many more, who affectionately call him  
17 "Unc."

18           When Aunt Platt and Lillie came to South Carolina  
19 after my aunt and uncle's divorce, Lillie, my cousin, like  
20 most 13-year-olds, did not handle it well. I've witnessed  
21 numerous times when my father went to talk to Lillie and just  
22 sit with her. Dad even offered her to move in our house and  
23 live in my room with two twin beds. Lillie and Luke, just  
24 10 days apart, have both graduated now, and it was only  
25 fitting that Unc escort Lillie for her senior homecoming last

1 fall. My dad has welcomed my friends and our family like  
2 they're his own kids, something he was blessed to be able to  
3 do.

4 I have felt the gravity of my father's pending  
5 imprisonment every day since last November 22nd. But it is  
6 not just me. His love and support are far reaching, and his  
7 absence will be just as far reaching. I've seen my friends  
8 sit in my dad's office and tell them about their new  
9 boyfriends, and they bake him red velvet cakes for his  
10 birthday. They've written him notes of support, telling him  
11 how much they miss walking into his office in the bank and  
12 just seeing his smile. He has touched the life of them all.

13 As you heard from Mr. Alex Jernigan, my dad made the  
14 trip to Donalsonville, Georgia, which took us almost 11 hours  
15 because we had to drive over the power lines, to clean up  
16 after Hurricane Michael hit south Georgia. I was right there  
17 in the passenger seat, because, as you can probably tell, he  
18 and I are attached at the hip. But most importantly, he told  
19 us the importance of helping others if you're able. That is  
20 just one example. My dad has always been willing to help the  
21 community. After a devastating tornado in 2020, he served  
22 food to those affected in Hampton County and then lended all  
23 of our farming equipment to anyone that was in need, to help  
24 clear debris. He truly has a giving heart. He's always  
25 wanted to serve the community, and especially Hampton.

1           When many businesses and their leaders in our area  
2 began to move to Beaufort and Bluffton, dad remained  
3 steadfast. He once told me: Hampton is where the bank is,  
4 and it is where we will be. The community loves him back. If  
5 you look around this room, if you walk down the hall, you  
6 would see that. You can hear that in the letters on his  
7 behalf. He has so many people surrounding him, and he has  
8 touched so many lives. You should also know, my dad is a  
9 simple man, not a man driven by material possessions. His  
10 favorite three things in the world, are my mom, our family and  
11 our farm. Those are his words, not mine. It is heartbreaking  
12 to think that this weekend might have been the last time that  
13 my dad and granddaddy rode aimlessly around the farm. And it  
14 pains me to know that dad will never get to see the trees in  
15 the early spring again and the turkeys gobbling. Our family  
16 has gone through so much, but we will heal.

17           I ask the Court to consider the further damage and  
18 heartbreak that will come in determining my father's sentence.  
19 Please consider his two parents in their 80s. We'd like to  
20 believe they're as invincible as they act, but we know our  
21 time with them is limited and precious. Please consider his  
22 two biological children, Luke and myself, and a few more who  
23 consider him a father or call him Unc. Dad's mentorship,  
24 support and love, and his simple presence at so many important  
25 life events will be a tremendous loss to my grandparents, my



1 mom, my brother and me, but so many more.

2 My dad walked me down the hall to Ms. Perdue's  
3 classroom on the first day of kindergarten. And I hope one  
4 day that he will be able to walk me down the aisle. The  
5 impact of losing him will be irreversible. I conclude with  
6 this: Dad raised me to value family and community above all  
7 else, to stand strong for what you believe in and never back  
8 down from a fight. Those are qualities I admire deeply in  
9 him. My dad is a man who only wants to work hard for the rest  
10 of his days, living a simple life, and loving his family and  
11 community, as he has always done.

12 I thank your Honor for your time and ask that you  
13 please consider the effect of removing one of Hampton County's  
14 few loyal supporters will have upon the community. The effect  
15 of taking away a son from elderly parents, who he's ever  
16 wanted to make proud; the effect on my mom, of taking away her  
17 emotional support, companion and partner in every sense for  
18 the last the 23 years; and the effect of the emptiness that  
19 Luke and I will experience when our dad is removed from us. I  
20 ask that you show mercy on my father and my family. Thank  
21 you.

22 THE COURT: Thank you.

23 MS. SHOUN: Ms. Virginia Breen.

24 VIRGINIA BREEN: Hello, your Honor.

25 THE COURT: Good to see you.

1           VIRGINIA BREEN: My name is Virginia Harper Breen.  
2           And I am here today to tell you about the Russell Laffitte  
3           that I know. I am from Estill, a small town, 13 miles away  
4           from Hampton, the county seat. In small towns, we rely on one  
5           another. And Russell has always been a family friend. Our  
6           fathers and grandfathers did business together. But it wasn't  
7           until my father passed away suddenly that I really got to know  
8           him.

9           My family has been in the timber business in the  
10          Lowcountry for many years, and we have always had a strong and  
11          active banking relationship with the Laffitte's. My father,  
12          Andrew Harper, was a healthy, active, vibrant 61-year-old man  
13          when he got caught in a riptide on Hilton Head and drowned.

14          THE COURT: And a friend of mine.

15          VIRGINIA BREEN: It feels impossible to find words  
16          that convey accurately how devastated my brother and I were in  
17          August of 2017; devastated and shocked by grief and loss, but  
18          also overwhelmed at being unexpectedly pushed into taking over  
19          my father's business. The financial complexities were  
20          daunting. At the time, Russell reached out unsolicited to us.  
21          He sat us down and essentially said: I know this is complex.  
22          Yes, there are many unknowns, but I am going to help you  
23          figure this out. Y'all can do this. He was true to his word.  
24          He spent hours over the ensuing weeks and months helping us  
25          untangle and understand my father's finances, how my father's

1 finances were set up, talking about what worked well for my  
2 father and other clients in the timber business and what he  
3 recommended we do. He gave us confidence that we could carry  
4 on without my father, when doing so felt like such an  
5 impossibility.

6 One of the things that I love about Hampton County is  
7 that when you're having a business conversation, there is  
8 nothing ruder than getting to the point. Before you can get  
9 down to business, some conversation is required. I hesitate  
10 to call it small talk, because it's more intentional in nature  
11 than that. And so, that is how I really got to know Russell  
12 beyond my father's business. We talked about his family,  
13 hunting, farming, but mostly we talked about Hampton County in  
14 our conversations before we actually addressed the business at  
15 hand. And during these conversations, I got to know what I  
16 expect many people from the area don't know, and that is how  
17 passionately he was fighting for Hampton County from his  
18 position at the bank.

19 As you, no doubt, know, Judge Gergel, Hampton is a  
20 poor county. An estimated 24 percent of residents lived below  
21 the poverty line in 2021. It's also shrinking. Since 2010,  
22 the population has declined by 16 percent. And since my  
23 childhood, many, many businesses have shuttered. Russell  
24 loves to talk about Hampton County. And he has been  
25 passionate about giving small businesses in our area the best

1 shot of staying open. He did everything in his power to keep  
2 the Ford dealership in Estill in business, because he felt  
3 like Hampton County benefitted from having a dealership  
4 selling new cars. He tirelessly supported the family that  
5 owned one of Estill's two grocery stores. That store happened  
6 to be within walking distance of the poorest neighborhood, and  
7 Russell felt strongly that it should stay open, since many of  
8 the nearby residents had no transportation.

9 In my letter to you, I mentioned how tirelessly he  
10 worked for clients in the early days of the pandemic to secure  
11 paycheck protection program funding for them, even though it  
12 wasn't particularly lucrative to the bank. Russell told me  
13 more than once that he had a duty to shareholders to be  
14 profitable, that he had just as much of a duty to the area to  
15 support it. We frequently spoke of the teens of Hampton  
16 County needing a place to go socialize where they can stay out  
17 of trouble. In our view, that place was the roller skating  
18 rink. But it had long since closed. Russell secured  
19 donations from Palmetto State Bank and others in the community  
20 to have the theater on Main Street in Hampton reopened, with  
21 the promise that they would screen movies for the youth. That  
22 was his place for them to go.

23 There is one last point that I'd like to make to you  
24 today that, to me, speaks volumes about Russell's character.  
25 I mentioned the 16-percent decline in the county's population

1 since 2010. The truth is, the middle class and professionals  
2 had been leaving the area for decades. There aren't many jobs  
3 to be had. But maybe even more than that, there aren't many  
4 conveniences. It's merely an hour's drive to go see the  
5 doctor outside of the ER, to go to a movie theater, or just  
6 purchase new clothes or shoes. Even professionals who are  
7 still employed in the area live elsewhere. I'm telling you  
8 all of this because I think that it's significant that Russell  
9 stayed. The majority of his professional contemporaries have  
10 not. He stayed because he loves Hampton County and he sees so  
11 much in it that is worth trying to save. It is on the  
12 shoulders of men and women like Russell Laffitte that towns  
13 such as Hampton and Estill stay afloat. I don't make that  
14 statement lightly, Judge Gergel.

15 It is my hope today that you consider this pattern of  
16 high character and service to others, these immense  
17 contributions that Russell has made to a community that so  
18 many overlook as too far gone to save, in your sentencing  
19 decision. Thank you.

20 THE COURT: Thank you for being here. Good to see  
21 you.

22 MS. SHOUN: That's the last individual we have  
23 scheduled to speak before your Honor.

24 THE COURT: Okay. I think Mr. Laffitte wanted to  
25 speak?

1 MS. SHOUN: Your Honor, if I might ask for the  
2 Court's indulgence, just to make a few comments to the Court,  
3 of course, at the Court's discretion as to how your Honor  
4 would like to handle this.

5 THE COURT: Well, I'm completely fine. I think maybe  
6 you might want to speak after all the persons who are  
7 appearing first. Then I think it would be a better time for  
8 you or anyone on your team who wishes to speak.

9 MS. SHOUN: We appreciate that. Thank you.

10 THE COURT: Yes. So, does Mr. Laffitte wish to speak  
11 now?

12 MR. MOORE: He wishes to speak, but I think he would  
13 -- if your Honor would allow us, he'd like Ms. Shoun to go,  
14 then me to go before he speaks, if that is something that  
15 your Honor will allow. But we'll do it obviously however  
16 your Honor wants.

17 THE COURT: I think it's better to put up all of the  
18 witnesses and then I'll hear from the lawyers. That's my  
19 preference.

20 MR. MOORE: And so, is your Honor going to take a  
21 short break after this? I'm asking you --

22 THE COURT: The answer is yes. I'm trying to the  
23 finish up all the folks who will be speaking on behalf of the  
24 defense, and then I was going to break. And if you wish to  
25 speak after lunch, that would be fine.

1 MR. MOORE: Thank you, your Honor. Then Russell  
2 would like to exercise his right of allocution and to speak  
3 briefly to your Honor.

4 THE COURT: Very good. Mr. Laffitte.

5 THE DEFENDANT: Thank you, sir.

6 Judge Gergel, I want the Court to know how much I  
7 regret the fact that I stand here today and how much I regret  
8 the actions and failures on my part that have led me here  
9 today. I never dreamed I'd be standing before a Judge as a  
10 defendant. This whole process has been incredibly hard for so  
11 many people, for the victims, my family, and all the people  
12 here today. I'm sorry that I've been part of putting you all  
13 through this.

14 There are a number of things that I'd like to say,  
15 but I feel that I can't, because of where we are with this  
16 case and the multiple state prosecutions and civil lawsuits  
17 pending. What I do want to say though, your Honor, and to  
18 everyone who's been involved in this case, is know how sorry I  
19 am for the errors in my judgment and the fact that my mistakes  
20 and my failures to ask the right questions brought me here. I  
21 apologize for making the decision to loan myself and Alec  
22 Murdaugh money from Hannah's account. I realize my own  
23 mistakes and judgment, and now I see that my failures as  
24 conservator helped defraud the victims. For that, I am truly  
25 sorry.

1 I'd also like to address each of the victims, Ms.  
2 Pamela --

3 Can I turn around and speak?

4 THE COURT: You may. Yes, sir.

5 THE DEFENDANT: Ms. Pamela and to the Pinckney  
6 family, I can't imagine, as a father, losing a child. I am  
7 sorry for the loss of Hakeem and my failure to pay appropriate  
8 attention to his needs. I did not do my job as conservator as  
9 I should have. And because of my failures, he suffered. And  
10 I wanted you to know how sorry I am.

11 Alaina, I apologize for the hardships you've gone  
12 through, the loss of your mother and your brother. If I have  
13 to relive it in my trial, I can't imagine having to go back  
14 through that, reliving of that tragedy in this court. My  
15 actions and my decisions to make loans out of your account  
16 caused this.

17 Natasha, I heard your testimony in court. I was  
18 touched by it. And I was struck by my own failures to handle  
19 your conservatorship appropriately. I wish I had taken more  
20 time to get to know you and what you needed. And I wish I had  
21 paid more attention to the details of your conservatorship.  
22 And because of this, your settlement was also stolen.

23 To Arthur Badger and his family, I'm truly sorry for  
24 the loss of Ms. Donna. I apologize for being a part of you  
25 having to relive the horrors of your loss due to the theft of



1 your settlement.

2 And Malik Williams, I'm also sorry for your injury  
3 and for making a loan out of your account. I regret not  
4 spending more time with you and getting to know you and all of  
5 my conservatorship people. I'm not exactly sure how to say  
6 that, but all the people that I represented, I should have  
7 taken more time to get to know y'all. And that is my fault.

8 And to the employees and customers at Palmetto State  
9 Bank, I am deeply sorry that I let them down. My own failures  
10 and my own actions brought me here. It was my honor to be the  
11 fourth generation Laffitte to run the bank. I was looking  
12 forward to doing great things for the bank and the community  
13 that we served. And I failed my bank that my family operated  
14 for generations and those it served. If I could do it over  
15 again, obviously we would do things differently.

16 And also to my family, Susie, Carter, Luke, Mom, Dad,  
17 Charles, all the people who've stood by me throughout this  
18 process and who've shown up here today to support me, it means  
19 more to me than you'll ever know. Thank you for your support,  
20 your prayers and many kindnesses to me and my family. I love  
21 all of you.

22 I appreciate you giving me this opportunity to speak  
23 today, your Honor. In closing, I do ask for mercy that you  
24 can show today, not so much for me, but for my family, whom I  
25 love.

1 THE COURT: Thank you, Mr. Laffitte.

2 Okay. What we're going to do is -- as I sort of  
3 indicated in my exchange with Mr. Moore, we'll take a break  
4 now. We'll be back at 2:00 o'clock. And at that time, I'll  
5 hear any arguments Ms. Shoun or Mr. Moore or Mr. Parente wish  
6 to make, and then I'll hear from the government, and then I'll  
7 impose sentence.

8 For now, we stand at recess.

9 MS. SHOUN: Thank you, your Honor.

10 MR. MOORE: Thank you, your Honor.

11 *(Lunch Recess.)*

12 THE COURT: Please be seated.

13 Okay. I'll be glad to hear from defense counsel.

14 MS. SHOUN: May it please the Court, your Honor.

15 THE COURT: Yes.

16 MS. SHOUN: Your Honor, I'm pretty confident that  
17 this Court is a little confused at our participation, or at  
18 least what's --

19 THE COURT: I'm not the slightest bit confused. Good  
20 lawyers for a tough case.

21 MS. SHOUN: It seems a bit of an anomaly to  
22 your Honor and I'm sure to many in the courtroom, including  
23 Ms. Limehouse. But if I do my job here correctly today,  
24 perhaps everybody here will understand a little better why I  
25 am here.

1           This started because my dear friend and colleague,  
2           Andy Hazelton, over a number of years, has been working with  
3           Mr. Laffitte for a while. And once the trial was over, Andy  
4           called me -- because we do that frequently, we talk and we  
5           share ideas and we share thoughts. And he said to me: If you  
6           were in Russell's shoes and you decided to go with a different  
7           direction, a different direction as far as counsel, who would  
8           you call? And I immediately said, Mark Moore. And I said  
9           Mark Moore not just because he's my law partner -- he is --  
10          but also because he's my friend, and I know that he and Andy  
11          share a passion for doing what they feel is the right thing to  
12          do. So, your Honor, that's how I became involved. I was  
13          actually in this from the beginning a little bit and  
14          throughout -- your Honor is aware, this is not my -- this is  
15          not my forte, this is not my area of practice. But,  
16          throughout, the team has connected with me from time to time  
17          and asked me questions and just got some general thoughts.  
18          Because, as my friend, Mr. Moore knows a lot about me that  
19          many in this courtroom probably don't. And he knows that I  
20          see this through a lens -- and Russell said that to us before:  
21          Everything you do in life is seen through a particular lens.  
22          And if I might share my lens and how it affects this, mine is  
23          multifaceted, your Honor.

24                 First, I look at this primarily as a mom, because I  
25                 am a mom. And I have been many things. I've been lucky to

1 have many roles in life. One is a law partner, one is a wife,  
2 one is a daughter, one is a sister. But the most important  
3 role I have is as a mother. It doesn't matter, at the end of  
4 the day, how many cases I've won or lost, it doesn't matter  
5 how many clients I've represented. What matters in my life is  
6 my children. They're my legacy. So, I do look at this from a  
7 mom's perspective.

8 I also have another perspective, your Honor. And I  
9 think that's probably one of the reasons Mark asked me to get  
10 involved. I grew up in a tiny, tiny coal-mining community in  
11 southern West Virginia. So, much of what I've heard and seen  
12 throughout this case is familiar to me. It probably seems  
13 surreal to many of us in the courtroom and especially surreal  
14 to younger folks, because we live in a different world. But  
15 where I grew up and how I grew up was very, very different. I  
16 have two brothers much older than I. And my whole family did  
17 their banking at the Bank of War, which is located in War,  
18 West Virginia. And the Bank of War was probably a much  
19 smaller version, a much more elementary version, of the  
20 Laffitte's -- the bank where Russell was the fourth generation  
21 banker. But many of the things are the same.

22 When my brother was about to start his first job as a  
23 schoolteacher, he went to the bank and said: I need a car. I  
24 don't have a way to get to work. And Mr. Dallorso was the  
25 owner of the bank. To this day, I have no idea what his real

1 role was, but he was just thought of as the owner of the bank.  
2 And Mr. Dallorso said to my brother: Well, how much money do  
3 you need? My brother said: I don't know. He said: Well,  
4 what's the car cost? He told him what the car cost. He said:  
5 You got any other bills? He said: Well, I'll get paid in  
6 30 days. He said: Do you have enough money for a tank of  
7 gas? And my brother said no. So, that was added onto the  
8 loan. Knowing that I was going to have the opportunity to be  
9 in this courtroom, I called my brother this weekend and just  
10 asked the question: Did the bank put a lien on the car? He  
11 said: No, they didn't. I said: Well, how'd you get the  
12 money? He said: Well, Mr. Dallorso looked at me and said,  
13 well, I know Peg and Shorty Shoun -- my parents; no shock,  
14 looking at me here, that my dad was referred to as "Shorty  
15 Shoun." But that's how it happened and that's how it worked.  
16 So, while a lot of what has been said in the courtroom and a  
17 lot of the transactions we've had the opportunity to analyze  
18 may seem odd, they were not that different to the way I grew  
19 up.

20 And it is about a lens, your Honor. And like Mr.  
21 Moore and like Mr. Parente, I did not have the opportunity to  
22 hear the testimony at trial. So, I understand that your Honor  
23 has a far best knowledge than I, as does Ms. Limehouse and the  
24 prosecution. And I had a whole bunch of comments prepared to  
25 present to your Honor, but I've been in front of you, Judge

1 Gergel, many times, and I know you've read everything that's  
2 been in front of you. And I know that you've listened very  
3 soundly to all the people who've spoken in this courtroom.

4 If I could just take a moment to very briefly -- and  
5 it will be brief, your Honor -- go over a couple of the things  
6 in the letters that were presented to the Court, because, as  
7 your Honor mentioned before, this is the opportunity for the  
8 Court to learn a little more about Russell that the Court did  
9 not have the opportunity to learn before.

10 The letters will show, as has those who've spoken to  
11 us today, that the Russell here is a different Russell than  
12 what has been portrayed both in the media and, to a  
13 significant extent, in the original trial of this case. He is  
14 a son, a husband, a father, a brother. He's also an uncle.  
15 He's called "Unc" by many. And he's called Unc or Uncle  
16 Russell by two very, very important people, and that's Lillie  
17 and Clair Henderson. Those are Russell's nieces. Their mom  
18 is Russell's sister, Grey. When they were young, their dad  
19 took a job in Hawaii, and so the family was separated by  
20 necessity for a while. Ultimately, Lillie and Clair and their  
21 mom moved to Hawaii, where their dad was then working. But  
22 shortly after going there, their parents hit a rocky spot and  
23 they ended up divorcing. And as frequently happens, it was  
24 very tough on the children, particularly on Lillie. Clair  
25 managed to get through it a little bit better than Lillie did.

1 But Lillie had a hard time. And when Lillie and her mom moved  
2 back, it was tough for her. And Russell became her father  
3 figure. She ran away from home. Didn't sound like she got  
4 far and it didn't sound like she stayed long, but Russell went  
5 to find her. And as you heard Carter say, Russell would just  
6 sit with Lillie sometimes. He would allow Lillie to talk if  
7 she felt like it, or not talk if she didn't feel like it.  
8 That was the father role he played to both Lillie and Clair,  
9 so much so, as your Honor heard, he did escort Lillie in her  
10 senior homecoming.

11 There were others that have written letters to  
12 your Honor, and I know that your Honor has read those. But  
13 they also show Russell as a friend. You heard Mr. Jernigan.  
14 You heard Mr. Nix earlier today. You didn't hear from Mr.  
15 Barnes, but Mr. Barnes wrote to your Honor. Mr. Barnes has  
16 known Russell for years and years and years and done work,  
17 interior decorating work, at his home and at his office. And  
18 Mr. Barnes was in the middle of his own life crisis, and that  
19 is a separation from his partner of decades. And Russell  
20 stepped in to protect Mr. Barnes from very harmful activity.  
21 He protected him. And he didn't have to do that, but he did.  
22 He is a friend.

23 Your Honor also saw a letter from the Gerald's, Terry  
24 and Wendy Gerald. They have a farm. And I think they  
25 actually farm part of the Laffitte's property. And Terry's

1 dad fell very ill with cancer. He was in the midst of cancer  
2 treatment, which included some surgeries, and he was very  
3 concerned about being able to harvest the crops. But as he  
4 had done on lesser dramatic occasions, he called on Russell,  
5 and Russell helped with that harvest. He went and helped with  
6 the farm. And as Terry indicated in his letter, he doesn't  
7 think he could have gotten that done, but for Russell's help.

8 Your Honor also received letters from the Sanchez's,  
9 who wanted to be here today, but they live in Miami. But they  
10 did write to the Court. They've known Russell and his family  
11 for around 25 years. They get together with the family  
12 several times a year, including on Thanksgiving. They have  
13 property next door to the Laffitte's farm. And Russell will  
14 call them -- if there's going to be a freeze, he calls and  
15 says: Are your pipes covered? Do I need to go over? What do  
16 you need me to do? And he goes over and he helps them with  
17 that.

18 And one of my favorite letters was from Juanita  
19 Woods. And Juanita's mama worked for the Laffitte's,  
20 Russell's parents, for a number of years. And Juanita has  
21 come in and worked for them from time to time too. And her  
22 story was, I thought, a poignant one, because when Russell and  
23 Susie were getting married, Russell went out and bought what  
24 he thought was going to be an outfit that Juanita's mama  
25 loved, because he wanted her to be at the wedding. She was



1 like his second mom. And he goes out and buys her a skirt and  
2 jacket. And Juanita's mama was like: Uh-uh, I do not wear  
3 skirts. But she did. She wore it for Russell and she wore it  
4 for Susie, and she wore it for the Laffitte family, because  
5 they had been good to her, and she knew they were good people  
6 and she wanted to please them. And, Russell, again, was a  
7 friend.

8 There's also a Russell in the community. And that's  
9 the Russell who has volunteered his time and his efforts for  
10 various charities, including Relay for Life. He has worked on  
11 the disabilities board, as your Honor has heard. He supported  
12 the schools, as Ms. Platts has represented to the Court, being  
13 one of the few dads who would show up and help, when usually  
14 it's the moms there doing the work and the heavy lifting. His  
15 work with Relay for Life was written about by Wyman Manning  
16 (*phonetic*); and his work on the disabilities board, also  
17 addressed by Beth Chafin. And significantly, there's a  
18 Russell that's a part of the community. And Carter talked  
19 about that. Carter talked about how important community is to  
20 her dad, and thus, to her.

21 And people like Kash Patel. He came here. He had  
22 started a business, was thinking about growing his business,  
23 but decided he wanted to leave Hampton. And Russell convinced  
24 him that Hampton was a good place to be, to stay there. Jenks  
25 Rhodes, who's the CEO of Rhodes Motor Company there, is also a

1 customer at Palmetto State Bank and leans on Russell, not just  
2 as a professional but also as a friend.

3 Your Honor, these individuals who addressed  
4 professional relationships and business relationships with Mr.  
5 Laffitte had one thing in common: Either before or during  
6 those relationships, they were friends with Mr. Laffitte; they  
7 grew to know him and respect him. And despite my years of  
8 doing this, I cannot come close to the eloquence of those who  
9 spoke to your Honor earlier today. But I will tell you that  
10 Pastor Brown was impactful. I will tell you that his faith in  
11 what can happen was impactful. And if we look at Russell  
12 Laffitte as a member of the community and somebody who loved  
13 and loves Hampton, I will say, your Honor, I share something I  
14 didn't realize before today with many of these people who look  
15 up to Russell, and that's a respect for him for what he did  
16 and for what he tried to continue to do. Because, your Honor,  
17 I left my little, tiny coal mining town about two weeks after  
18 I graduated from high school, I went off to college, I got a  
19 law degree, I've had a law practice, but I have one regret, I  
20 did not go back. Russell went back because that community  
21 means so much to him. Russell wanted to see it grow.

22 He's been so influential in his children. Carter  
23 wants -- wanted at least -- to follow in his footsteps and go  
24 back and be the next generation banker at the bank. Luke's  
25 getting ready to enter into a forestry program when he starts

1 college in the fall. And that comes from the influence of his  
2 dad's love of nature and the outdoors. Susie looks at Russell  
3 with special eyes, because that's her husband of decades. And  
4 the loss is significant that she faces, because he's been an  
5 active parent, a participating dad, a supportive partner. And  
6 the important part of that is partner. And as your Honor  
7 mentioned, she's been here every day that Russell has been  
8 here. It's a true partnership that people like Ms. Platts  
9 recognized and want to emulate.

10 And if I could then come full circle, your Honor,  
11 because I started this off by saying my most significant role  
12 in life is as a mother. So, I look at Ms. LaClair with  
13 special fondness. And I recognize even now that, as we age  
14 and as our kid's age, our roles begin to reverse a little bit.  
15 The children become a little more like parents, and we become  
16 just a little more like children, perhaps. And the  
17 significance, to me, is the loss to many, and especially  
18 Ms. LaClair. We hope Ms. LaClair and Mr. Charlie will stay  
19 with us for much much longer, but we also know realities. And  
20 the potential loss to Ms. LaClair and Mr. Charlie are huge.

21 So, your Honor, this is not my comfort zone, speaking  
22 at a sentencing, but people are my comfort zone. And,  
23 your Honor, I ask for the Court to consider all those who have  
24 spoken and all of the many people --

25 If I might just ask raised hands for people in

1 support of Russell.

2 There's more in the overflow room and there's more  
3 that couldn't be here. So, Russell admits, your Honor, to  
4 some mistakes and some gaps in judgment. And the mercy that  
5 we request goes to many, not just Russell. And I appreciate  
6 your Honor listening to my regards.

7 THE COURT: Thank you.

8 Mr. Moore?

9 MR. MOORE: Yes, sir, your Honor. And I'm going to  
10 try to be brief. I'm going to try. But I will tell  
11 your Honor --

12 THE COURT: I wouldn't bet on it.

13 MR. MOORE: I said I'm going to try. I will tell  
14 your Honor that giving us a lunch break at the time you did,  
15 did allow me to trim a lot out of my introduction.

16 THE COURT: I thought it would give you more energy,  
17 so I was reluctant to do it.

18 MR. MOORE: It may have given me more energy, but I  
19 recognized that there are some things that I needed to trim.  
20 And now that I know that we go first and the government goes  
21 next, I'm going to save some remarks for reply.

22 You know, when Ms. Shoun talks about a lens, okay, I  
23 may not be the oldest lawyer in this courtroom, but I can  
24 guarantee you that I'm probably the oldest lawyer in this  
25 courtroom who has primarily, for most of their career,

1 practiced in the federal criminal courts. Spent a long time  
2 as a prosecutor, and I've been lucky to switch roles later in  
3 life, but, you know, thankfully, never too late. And, you  
4 know, I remember a time when the guidelines were mandatory,  
5 okay. And I thought that was a really great thing when I was  
6 a young prosecutor, 27 years of age. And I saw some --

7 THE COURT: Bet you don't like it right now.

8 MR. MOORE: I don't. But the thankful thing is --

9 THE COURT: I don't like them either. So, you and I  
10 -- I don't like mandatory guidelines.

11 MR. MOORE: And the thankful thing is, they're not  
12 mandatory.

13 THE COURT: Yep.

14 MR. MOORE: I remember judges that I practiced in  
15 front of who are no longer with us, who didn't like them very  
16 much, because they had been operating under a system without  
17 mandatory guidelines. And at 27, I thought this was a great  
18 thing. Well, at 61, I'm glad that it's changed, because  
19 your Honor has the ability -- and, indeed, the duty -- to  
20 consider a number of other things other than the advisory  
21 sentencing guidelines range. And so, we have tried to speak  
22 to Russell Laffitte as a person. And I'm going to try to  
23 speak to a few other things and take a little bit of your  
24 time.

25 You know, Judge, this is a difficult sentencing for

1 me. It's difficult for everybody in this courtroom, no doubt,  
2 the victims as well. I've never been in a situation of  
3 addressing a judge with a defendant who's gone to trial and  
4 been convicted where I wasn't the lawyer who was at the trial.  
5 I have, on two occasions in the Southern District of New York,  
6 addressed a judge after trial convictions in which I was the  
7 lawyer. And it's a little different, as I'm sure your Honor  
8 knows. But it's a solemn duty.

9 And, you know, we want to speak to you about Russell  
10 Laffitte. Because I will tell your Honor that I've spent a  
11 lot of time with Russell Laffitte since January of this year.  
12 And I've come to know Russell Laffitte. And I will tell  
13 your Honor that, you know, when your Honor tried this case is  
14 November, as you know, my October, as was your Honor's, was  
15 occupied with something else.

16 THE COURT: I was busy that fall.

17 MR. MOORE: You were extremely busy. You're  
18 frequently busy, your Honor, but you were extremely busy that  
19 fall. And, you know, while I pay attention to things that are  
20 going on in cases where I'm not involved, I can't tell you  
21 that I paid a ton of attention to this case, just finishing  
22 that redistricting case, and I had a little health issue. But  
23 I followed things. Of course, I do think I'm smart enough to  
24 realize that you don't believe everything you read in the  
25 media and certainly not the blogosphere.

1 THE COURT: I tell the jurors they have the best seat  
2 in the house, Mr. Moore. Whether they've read or don't read  
3 the newspaper during the trial, we've got the best  
4 information.

5 MR. MOORE: You're absolutely right about that,  
6 Judge.

7 But so, when we were approached about potentially  
8 taking over this case -- and we were primarily at that point  
9 of talking about a potential appeal -- I wasn't a hundred  
10 percent that Russell Laffitte and I were going to get along.  
11 And, you know, I had talked to some friends and people that I  
12 really respect. They might have formed some opinions about  
13 him. And, you know, I had heard the word -- perhaps in the  
14 media and perhaps other places, using the words "arrogant" to  
15 describe Russell Laffitte. I've come to know Russell Laffitte  
16 pretty well and I can tell you that the Russell Laffitte I  
17 know is so completely separate and apart from the word  
18 "arrogant." A little stubborn --

19 THE COURT: He wasn't tried for being arrogant.

20 MR. MOORE: I understand that, Judge. I understand  
21 that. He's a little stubborn, okay, and he's a little naive  
22 on occasion, okay, but he is not an arrogant person.

23 And, you know, this is a difficult argument to make.  
24 And there is no doubt, okay, when you look at the evidence at  
25 trial -- but you also look beyond the evidence at trial --

1 that Russell did not act appropriately in his duties as a  
2 conservator with respect to any of these victims. There is no  
3 doubt about that, okay? He realizes it, okay? He has  
4 accepted responsibility for that. And I understand that the  
5 government's primary focus in their sentencing memorandum is a  
6 lack of acceptance of responsibility. And while there are  
7 certain things --

8 THE COURT: Mr. Moore, let's talk about that just for  
9 a second.

10 MR. MOORE: Yes, sir.

11 THE COURT: You know, understandably in your  
12 responses, you expressed concern that Mr. Laffitte was being  
13 punished for exercising his right to go to trial. And I told  
14 you at the beginning of this process, I do not hold it against  
15 him for that. The government can do as they wish. Of course,  
16 the rules -- the guidelines -- punish, to some degree, by not  
17 giving the defendant acceptance, because he hasn't accepted  
18 responsibility.

19 MR. MOORE: They do, your Honor.

20 THE COURT: And I figure that's enough. I don't need  
21 to be piling stones on the defendant. But, you know, I've  
22 heard a lot of things about the good deeds Mr. Laffitte has  
23 done. And I'm sure all are accurate. But there's a broader  
24 picture here that came out during this trial in which there  
25 was an elaborate criminal scheme in which there wasn't just



1 bad judgment, there was complicity, for which he was richly  
2 compensated. Was he the number-one bad guy in this scheme?  
3 No. Did he make criminal errors, not just errors of judgment?  
4 Yes. I took very seriously the post-trial motions. If I had  
5 felt there was not evidence to support the conviction, I would  
6 have, without reluctance, set it aside. I did not. I thought  
7 he was guilty of all six counts.

8 MR. MOORE: Yes, sir.

9 THE COURT: And I was glad to hear him apologize.  
10 So, when he asked me if he could turn and speak to the  
11 victims, I thought that was very healthy thing for him to do.  
12 These were extremely vulnerable people. Their family members  
13 were victims of horrible, tragic events in their lives; death,  
14 people widowed, lost their parents. It was horrible to  
15 vulnerable people. And he treated them like they were players  
16 on a chessboard, moving that money around. He was making  
17 money, Murdaugh was making money. And it's a very different  
18 picture than the one that these good people from Hampton  
19 County have brought in today. And, you know, one of the  
20 multiple factors under 3553(a) is the characteristics of the  
21 defendant.

22 MR. MOORE: Yes, sir.

23 THE COURT: That is a very positive thing for much of  
24 this defendant's life. But there are other factors: The  
25 nature of the specific crime; the seriousness of the crime;

1 the need for deterrence, both general and specific; just  
2 punishment. These are other factors, among many, that I have  
3 to consider under the 3553(a). And as much as you have  
4 focused on one of those factors, which, if I were you, I would  
5 have done exactly the same thing --

6 MR. MOORE: And I'm not done, Judge. But, yes, sir.

7 THE COURT: Ms. Limehouse is going to get up and talk  
8 about those factors.

9 MR. MOORE: I'm sure she is. And I'm going to try to  
10 talk about them for a few minutes myself.

11 THE COURT: Well, it's good. But, you know, you've  
12 read my post-trial order.

13 MR. MOORE: I have.

14 THE COURT: And I don't think there's any secret --  
15 you read the transcript.

16 MR. MOORE: Yes, sir.

17 THE COURT: There were, perhaps, choices he could  
18 have made earlier that could have avoided some or all of this,  
19 but it didn't happen.

20 MR. MOORE: And I wasn't here then, Judge. And I  
21 wish I had been, but I wasn't. So --

22 THE COURT: Yeah. Well, you know, it's easy to  
23 criticize others.

24 MR. MOORE: I'm not criticizing others.

25 THE COURT: I want you to know that I thought the

1 defense counsel at trial did a very fine job.

2 MR. MOORE: Yes, sir.

3 THE COURT: In fact, they were dealt a very difficult  
4 hand, a very difficult hand.

5 MR. MOORE: I don't disagree with that.

6 THE COURT: And these were very able lawyers. I had  
7 a lot of respect for them. I still have respect for them,  
8 like I have respect for you, Mr. Moore, and your team. But  
9 this is like the least pleasant aspect of my job, because  
10 every time I sentence someone, I send their families to  
11 prison. Not just them -- not just the defendant, I send the  
12 families. And I know the consequence it has for the spouse,  
13 for the children, for the parents. And that weighs heavily.  
14 But if we're going to have a rule of law in our society, we've  
15 got to have accountability. And we've got to deter -- I don't  
16 think Mr. Laffitte will ever commit another crime in his life.  
17 He has been chastened beyond what anyone could be chastened.  
18 But there is a strong need for general deterrence about people  
19 who are fiduciaries who abuse that trust. And someone called  
20 it making an example. No. It's general deterrence. You  
21 know, I have some defendants in front of me -- Mr. Moore, some  
22 you prosecuted -- in which they're not deterrable, right?  
23 They're just going to keep committing crimes.

24 MR. MOORE: There are some that are not deterrable;  
25 your Honor is correct.

1           THE COURT: White-collar criminals are, by and large,  
2 deterrable, because if they ever had the idea they would face  
3 the consequences, they wouldn't do it. So, among the factors  
4 I have to consider is: How do I help deter this type of  
5 tragedy again? And believe me, it is a tragedy. And, listen,  
6 the good folks from Hampton County -- good God -- they've had  
7 the death of two beloved members of their community killed by  
8 the father, husband, who was a prominent member of the  
9 community, whose family led a legendary role in the community;  
10 and the president of their bank has been found guilty of six  
11 counts of federal crimes. I am sure they are devastated. But  
12 there's got to be justice, there's got to be accountability.  
13 And my unhappy task is to balance all of these factors under  
14 3553(a) to impose a sentence which is sufficient but not  
15 greater than necessary to accomplish the purposes of the law.  
16 That's what I'm focusing on here: How do I balance all of  
17 this? By denying it existed doesn't get us anywhere.

18           MR. MOORE: Yes, sir. And, your Honor, to the extent  
19 that you've read our pleadings, are you hearing us saying that  
20 we're denying it existed? That is not what we mean to  
21 communicate. I knew before I walked into this courtroom that  
22 your Honor would not hold against Russell Laffitte the fact  
23 that -- and I was responding more to the government sentencing  
24 memorandum. I knew that your Honor would not impose a trial  
25 tax, which I've heard other people say before, that, going to

1 trial, you get a trial tax. I knew your Honor would not do  
2 that. I know that. I knew your Honor would not hold against  
3 him the motions that he filed, or the fact that he has  
4 insisted that he is, in fact, not guilty of this crime. I  
5 knew your Honor would not hold that against him. And very  
6 confidently, your Honor will not. And I understand that your  
7 job is very, very difficult, because you have to balance the  
8 person that you saw at trial, okay, and the acts that you saw  
9 at trial, as against the other parts of his life. And as  
10 your Honor says, you have to look at the general deterrence  
11 factor. And I understand that, okay? So --

12 THE COURT: I may be channeling some of your  
13 arguments when you were a prosecutor.

14 MR. MOORE: And, you know, I have to --

15 THE COURT: You were not known to be a softy, Mr.  
16 Moore, as I recall.

17 MR. MOORE: I was not. I was not. And, you know,  
18 Judge, when I was an --

19 THE COURT: Frankly, Ms. Limehouse is a lot more  
20 sympathetic to defendants than you were, Mr. Moore.

21 MR. MOORE: I don't know that I agree with that, your  
22 Honor. I don't know that I agree with that.

23 MS. LIMEHOUSE: It's on the record now, Mr. Moore.

24 MR. MOORE: I don't know that I agree with that,  
25 your Honor. You didn't have me in your courtroom as a

1 prosecutor that often.

2 THE COURT: No, I didn't.

3 MR. MOORE: But I wasn't a softy, Judge; I was not.  
4 And when I was a young AUSA, I had another AUSA who was a lot  
5 more senior to me tell me -- he had been in the military. And  
6 he said, you know, in the military, some days you're a defense  
7 lawyer and some days you're a prosecutor, okay? And when you  
8 do that, you see both sides of the fence.

9 THE COURT: That's why JAG officers are great  
10 lawyers.

11 MR. MOORE: That is exactly why JAG officers are  
12 great lawyers. And I said to that lawyer, who had been a JAG  
13 lawyer, that's the craziest thing I've ever heard. Now, I  
14 said that when I was 28 or 29. Well, at 61, that's one of the  
15 smartest things I've ever heard, okay? I wish that someone  
16 had made me defend people before they gave me the authority to  
17 prosecute them at the ripe old age of 27, because I think I  
18 would have done some things differently.

19 And I understand what your Honor says when you talk  
20 about putting someone in prison, it's not just the person. I  
21 didn't think so much about my actions and how they impacted  
22 family members and friends, but I see it now and I see it  
23 crystal clear. And I know your Honor considers those things  
24 in imposing sentences. And I appreciate the fact that  
25 your Honor does.

1           With respect to specific deterrence, your Honor has  
2 said what you said about specific deterrence --

3           THE COURT: Don't waste your time.

4           MR. MOORE: I don't need to say anything else about  
5 it.

6           With respect to general deterrence, I understand  
7 your Honor's point. The point is: How much time does Russell  
8 Laffitte need in order to provide general deterrence and to  
9 balance the need to provide general deterrence with all of the  
10 other 3553(a) factors, okay? And looking at the --

11          THE COURT: I've got to look at the whole totality,  
12 not any one of them --

13          MR. MOORE: Right.

14          THE COURT: -- all of them together. And then I have  
15 to fashion a sentence which is sufficient but not greater than  
16 necessary, without undue focus on any one of those factors.

17          MR. MOORE: Right. And I've heard your Honor loud  
18 and clear about the offense here. And, you know, I don't  
19 think that I'm going to score any points with giving you my  
20 little view --

21          THE COURT: You will not. You will not.

22          MR. MOORE: -- so, I think I just need to move on,  
23 okay, with respect to factor A.

24                 With respect to factor B, there have been a lot of  
25 people and a lawyer, who's a better lawyer than I am, who've

1 said a lot about that and done it a lot more effectively than  
2 I could, okay. I do know that, in the government's sentencing  
3 memorandum, they talked about the characteristics of the  
4 defendant. They spent a lot of time talking about the fact  
5 that they believe he's told so many lies and that they believe  
6 this video.

7 THE COURT: I'm sorry. The what?

8 MR. MOORE: The video -- the interviews that Russell  
9 gave, you know, in advance of trial.

10 THE COURT: Okay.

11 MR. MOORE: And I'm just going to listen to what Ms.  
12 Limehouse says about that and save my reply for that. But --

13 THE COURT: I've got to say, I haven't -- you know,  
14 that wasn't a real big issue at trial. I was more judging on  
15 the conduct --

16 MR. MOORE: Yes, sir.

17 THE COURT: -- and on what happened. And, you know,  
18 y'all haven't spent much time talking about it. And if I were  
19 in your shoes, perhaps I wouldn't either. But there are  
20 things that happened, like calling a loan -- a beach house  
21 loan and using it for other purposes, in clear violation of  
22 misapplication of bank funds; taking a loan devoted for  
23 farming and paying off loans that had been taken from a minor  
24 child. I mean, writing Mrs. Secklinger on behalf of Mr.  
25 Murdaugh to break up a check, I mean, that's a coconspirator



1 if there ever was one. Those are things I've got to sort of  
2 weigh.

3 MR. MOORE: I understand.

4 THE COURT: And I think, by not talking about them  
5 and not sort of acknowledging -- frankly, the closest you've  
6 come is Mr. Laffitte, himself, coming in here and apologizing.  
7 And he said he couldn't say more because of pending state  
8 charges and civil suits. And let me say, I took from that  
9 that if he was unleashed from those burdens, he would have  
10 more readily acknowledged his criminal responsibility. But he  
11 made his choice to go to trial, he was convicted, we're here  
12 now.

13 MR. MOORE: Yes, sir.

14 THE COURT: And we've got to impose a sentence.

15 MR. MOORE: And, your Honor, as you said, I'm not  
16 going to convince you of -- I'm not going to change  
17 your Honor's mind about any of the evidence that was presented  
18 at trial, and so that's why I'm not doing it. I realize that  
19 this offense was serious, okay. No doubt that the offense was  
20 serious, okay. I realize it. I get it. I'm here to talk  
21 about the other factors, because I know that that's what  
22 your Honor has to weigh, is the seriousness of the event. He  
23 has a guidelines range that's been established, and a whole  
24 lot of enhancements that have been applied. And so, I'm here  
25 to talk about the other factors.

1           And so, one of the factors that I want to talk about  
2 for a moment is punishment is not only going to jail, which  
3 your Honor knows. It's a big part of punishment, but it's not  
4 only about going to jail. And he and his family have already  
5 been significantly punished. He has state charges pending,  
6 okay. And back in the day, when I was an AUSA, you know, you  
7 didn't see so much of federal and state authorities filing  
8 almost similar -- substantially similar indictments. We tried  
9 to work those things out. And, look, I know the prosecutors  
10 in this case, I know the prosecutors in the state case. I've  
11 worked both with and against most of them. And I think that  
12 they are all exceptionally talented, exceptionally ethical,  
13 exceptionally capable lawyers. I wish that Russell had been  
14 prosecuted in one venue and not two. But --

15           THE COURT: What defense lawyer wouldn't?

16           MR. MOORE: Well, that's true, your Honor. And, you  
17 know, when I was thinking about making an argument, you know,  
18 I went back and reread *Gamble v. United States*. And, of  
19 course, I believe that Justices Ginsburg and Rorschach had the  
20 better argument on that day, but, unfortunately, it didn't win  
21 the day. So, the fact is, because there is a separate  
22 sovereign exception to the double-jeopardy rule, that can  
23 happen.

24           THE COURT: Mr. Moore, I can't predict, with any  
25 confidence, what the state courts will do --

1 MR. MOORE: Yes, sir.

2 THE COURT: -- but it has been my experience, which  
3 has been considerable over the years, that when there are such  
4 pending charges, they tend to -- and if I impose a sentence  
5 which they think sufficiently addresses the criminal  
6 culpability, they tend to pass. They just do. They don't go  
7 to trial just for the sport of going to trial. Now, whether  
8 the circumstances here will take that out of the mainstream of  
9 what normally happens, I can't say. But, you know, I've had  
10 criminal defense lawyers say to me: Don't get too light on  
11 the sentence, because I'm scared they'll keep prosecuting me  
12 in state court. So --

13 MR. MOORE: I'm not going to say that to you today,  
14 Judge.

15 THE COURT: But, you know, in my heart of hearts, I  
16 wish this all was one global resolution. And I'm sure you've  
17 endeavored to do that, without success. And part of the  
18 problem is, normally when we get a global resolution, it's  
19 associated with a guilty plea.

20 MR. MOORE: I understand.

21 THE COURT: And when you don't do that, you kind of  
22 lead with your chin. You know, frankly, the prosecutors  
23 aren't as receptive to a global resolution. And I cannot  
24 control what a state judge would do or what the state  
25 prosecutors would do. I'm going to impose a just sentence

1 which I think is sufficient but not greater than necessary.  
2 And it would be my hope that the state prosecutors would defer  
3 to that; I have no control over it, however.

4 MR. MOORE: Yes, sir. I guess my ultimate point  
5 there is that, the simple fact that he has to defend himself  
6 in both jurisdictions means he has to spend more money on  
7 lawyers in both jurisdictions and means that he has to think  
8 about the consequences of those. And one of the things that  
9 is a little different about this case, particularly in a fraud  
10 case, is he's wearing two ankle monitors, okay? Not just one,  
11 but two. He's wearing an ankle monitor for the state case,  
12 and he's wearing an ankle monitor for the federal case. He's  
13 had those ankle monitors on and he has had his ability to move  
14 around freely, restricted and restricted substantially, for a  
15 year.

16 THE COURT: He also got bond, which allowed him to be  
17 out.

18 MR. MOORE: Yes, sir.

19 THE COURT: And, you know, that's a benefit not all  
20 defendants have.

21 MR. MOORE: I understand that, your Honor. I guess  
22 the point I'm making is that I would ask your Honor to  
23 consider those facts when you ultimately decide the  
24 appropriate punishment. When we talk about punishment,  
25 financial punishment is a punishment, as your Honor well

1 knows. Your Honor has established a loss amount, and  
2 your Honor has established restitution, and your Honor will,  
3 no doubt, at some point, issue a restitution order that we'll  
4 probably talk about towards the end of this proceeding. He's  
5 more financially able to pay that restitution judgment than  
6 will Alec Murdaugh. And so, the lion share of the financial  
7 penalty, even if your Honor imposes joint and several  
8 liability, which we hope you will do, and which we  
9 respectfully request that you do, Alec Murdaugh is the one who  
10 profited far more than Russell Laffitte, as I think your Honor  
11 acknowledged. Russell Laffitte will be the primary person --

12 THE COURT: I thought y'all had worked out -- y'all  
13 didn't have a dispute about how we were going to allocate  
14 between -- that Counts 1 through 3 were joint and several, and  
15 Counts 4 through 6 -- I don't think that's in dispute.

16 MR. MOORE: Right.

17 THE COURT: Counts 4 through 6 were solely committed  
18 by the defendant, and he is solely responsible.

19 MR. MOORE: That's correct, your Honor. But, again,  
20 for Counts 1 through 3, they're jointly and severally liable,  
21 that's a substantial restitution judgment for those. And the  
22 likely person who's going to pay those is going to be Russell  
23 Laffitte and not Alec Murdaugh. And so, I ask your Honor to  
24 consider that, because, affording just punishment and  
25 affording general deterrence, those factors should, we

1 respectfully submit, be considered.

2 He and his family have been subjected to a whole lot  
3 of scrutiny from the media, most of it negative. Certainly  
4 not the only case that that's happened with your Honor. I've  
5 seen it before myself in other cases. But it's been  
6 substantial here. Russell Laffitte is a household word -- or  
7 if not, he's known as the "Murdaugh banker."

8 THE COURT: Actually, you know, you say that. I was  
9 drawing a jury, and we really thought that we were going to  
10 have trouble drawing a jury because everybody knew who he was.  
11 Very few jurors had any idea who he was.

12 Obviously, the family has been traumatized by this  
13 whole scenario, right? I mean, let's face it. He has not  
14 achieved the infamy of Mr. Murdaugh, nor should he; very  
15 different circumstances. But, you know, you get involved, Mr.  
16 Moore, in one of the greatest public scandals in modern South  
17 Carolina history, and you're not going to come out looking  
18 that good. Just the way things are.

19 MR. MOORE: Yeah. And I understand that, your Honor.  
20 I understand that. But I felt like I needed to make those  
21 points. Because, I'll tell you, shortly after I took on this  
22 case, I went to a conference, and people were coming to me and  
23 saying: So, you're representing the Murdaugh banker? People  
24 who I hardly even knew. So, it has gone beyond the corners of  
25 our state, as your Honor knows. Unfortunately, the Murdaugh

1 name is known not just nationally but internationally. And he  
2 is tarnished by that, and he's tarnished in part because of  
3 his own actions. And I agree with that.

4 THE COURT: Correct. Correct.

5 MR. MOORE: He's tarnished in part because of his own  
6 actions. But I simply ask, when you look at general  
7 deterrence, okay, the fact of what has happened to him is  
8 already known to the public. And that general deterrence  
9 factor is there, as I believe one of our -- Mr. Jernigan spoke  
10 to.

11 As your Honor just mentioned, you know, this has been  
12 one of the most infamous cases in the state's history, okay?  
13 It comes shortly on the heels of the SCANA case, which was  
14 touted by the United States Attorney's Office and the Attorney  
15 General's Office as perhaps the largest financial fraud case  
16 in the state's history. And the numbers there dwarf the  
17 numbers here. And I understand that numbers don't tell the  
18 whole tale, Judge, okay. But as your Honor knows, in that  
19 case, the CEO of SCANA got a 24-month sentence, which was  
20 recommended as an 11(c)(1)(C) by the feds and the state. And  
21 so, I ask your Honor to take that into consideration when  
22 your Honor is thinking about the need to avoid unwarranted  
23 sentencing disparities.

24 THE COURT: I consider those very different  
25 circumstances. It is worthwhile to consider unwarranted

1 sentencing disparities. That is a fair factor. And one of  
2 the things I have consulted is the data from the sentencing  
3 commission about individuals with similar -- with two people,  
4 1.1 conviction, total offense level of 31, criminal history of  
5 one. I don't know if you've looked at that data.

6 MR. MOORE: I've looked at some of it. And --

7 THE COURT: I've got the four-year numbers.

8 MR. MOORE: And does your Honor wish to share with me  
9 your views on --

10 THE COURT: I'm happy to share with you. I believe  
11 the -- and, again, this is just, you know, one of the many  
12 considerations regarding unwarranted disparity. These are 89  
13 individuals who did not receive a 5K1.1 for substantial  
14 assistance. One hundred percent received a sentence of  
15 imprisonment in whole or in part. The length of imprisonment  
16 imposed was 85 months, and the medium length of imprisonment  
17 was 87 months. Eighty-nine individuals in America, 2018 to  
18 2022.

19 MR. MOORE: Yes, sir.

20 THE COURT: That tells me, since the guidelines are  
21 108 to 135 months, that my colleagues have frequently varied  
22 downward in these fraud cases. And one of the factors is  
23 that, when you have multiple enhancements, as occurred here,  
24 that, while each enhancement individually may be reasonable,  
25 sometimes the combined nature of all those enhancements



1 produces a sentence greater than is necessary.

2 MR. MOORE: Yes, sir. That's something that -- I  
3 know you're not forecasting what your Honor intends to do, but  
4 that is the sentiment with which I agree. Because I know  
5 your Honor reads everything, okay. We filed yesterday a  
6 notice of supplemental or additional --

7 THE COURT: I read all the cases.

8 MR. MOORE: I know you did.

9 THE COURT: And you cited my cases.

10 MR. MOORE: I did. And I didn't want to bring them  
11 up without your Honor having the ability to read them.

12 THE COURT: I'm very familiar with those cases.

13 MR. MOORE: Because, the cases, except for the ones  
14 that we cited -- except for your Honor's cases, are all  
15 financial fraud cases, all cases where defendants went to  
16 trial, okay, defendants were convicted at trial, and  
17 defendants ultimately received variant sentences, some of very  
18 significant lengths, as your Honor knows.

19 The two times that I've addressed a judge after  
20 trying a case and losing it, has been in the Southern District  
21 of New York. They were both fraud cases but very different  
22 type frauds cases. They were the NCAA basketball cases. And,  
23 you know, you see things from other districts, and you go,  
24 gosh, I wish we did that here. And in the Southern District  
25 of New York, the probation office recommends sentences and

1 sometimes recommends variant sentences. And in those cases,  
2 we tried those cases, guidelines range is in the first case at  
3 33 to 41 months. My client was given a six-month sentence  
4 after a trial conviction. In the other case, similar  
5 guideline ranges, he received a three-month additional  
6 sentence. What I say about that is to say that judges  
7 frequently vary. And I'm asking your Honor to consider  
8 varying in this case when you look at the totality of the  
9 circumstances and you look at all of the factors under  
10 3553(a), which I know your Honor will.

11 And I won't spend a ton of time talking about the  
12 parsimony provision, but the parsimony provision is sort of  
13 wrapped into or baked into the 3553(a) factors as a whole.  
14 And the issue is for your Honor to impose a sentence that is  
15 sufficient but not greater than necessary to accomplish the  
16 statutory purposes of sentencing. I think that a guideline  
17 sentence is greater than necessary to accomplish statutory  
18 purposes of sentencing here.

19 One of the things you heard Ms. Limehouse say at the  
20 beginning of this is the offers that she's made to us. And  
21 they were gracious offers, and I appreciate them. She didn't  
22 have to make them, and I understand that. But when the  
23 government makes that, I think they say to the Court that a  
24 sentence of 72 months, which was the first offer, their  
25 recommendation, or a sentence of 87, which was their second

1 recommendation, without any sort of acknowledgment of guilt,  
2 is a sentence that is sufficient but not greater than  
3 necessary to accomplish the statutory purposes of sentencing.

4 With respect to your Honor's own cases, okay -- and I  
5 know they're not fraud cases that I cited to your Honor, but  
6 those are cases that echo sentiments of other judges that we  
7 cited in fraud cases which talk about the fact that the  
8 guidelines themselves are very punitive, very significant, and  
9 very serious. And that can be a reason to vary.

10 THE COURT: Well, let me just say, so we don't get  
11 into my individual sentencing decisions --

12 MR. MOORE: Yes, sir.

13 THE COURT: -- because every one is individual. One  
14 of them involved a fellow whose guidelines under a child  
15 pornography -- child abuse case was 50 years. I thought it  
16 was excessive. It was basically a life sentence. And though  
17 he had done terrible things, I didn't think a 50-year sentence  
18 was appropriate, and it was the combination of multiple  
19 legitimate enhancements.

20 MR. MOORE: Yes, sir.

21 THE COURT: There was one about a guy who robbed some  
22 jewelry stores. And he had done similar crimes. Bad guy. He  
23 had, as I recall, like a 70-year sentence under the  
24 guidelines, whatever it was. And I cut him down to 30 years,  
25 which will basically -- he'll leave jail as an elderly person.

1 Every one of these cases. So, to talk about cases of jewelry  
2 store robbers, or sex perverts, or NCAA players, is not  
3 appropriate regarding this crime. We're looking at an  
4 elaborate financial fraud that went over eight years. It was  
5 methodical, it was systematic, it was abusive. I judge it on  
6 its own merits, individual to this defendant. And to throw in  
7 random cases as different examples, frankly, doesn't help me  
8 very much in reaching a sentencing decision.

9 MR. MOORE: Well, I looked for a case that's exactly  
10 on all fours with this one, and I can't find one.

11 THE COURT: I tried probably more cases than any  
12 other judge in our district, and I haven't had one like this.  
13 Now, have I had a lot of cases? Yes, I have. But this one  
14 has certain specific qualities that are distinct, and that was  
15 the reason I consulted the sentencing commission's data,  
16 because it's not unique in the country.

17 MR. MOORE: Yes, sir.

18 THE COURT: And it's kind of interesting. You were  
19 saying that the 87 months that the government offered you,  
20 without an admission of guilt, you thought was sufficient but  
21 not greater than necessary. And I just gave you numbers of 85  
22 and 87 months in the statistics.

23 MR. MOORE: You did.

24 THE COURT: And I'm just saying, you know, all that's  
25 data to consider.

1 MR. MOORE: I understand. And I also understand that  
2 your Honor is going to consider all that and your Honor is  
3 going to think long and hard about the right sentence that you  
4 think ought to be imposed --

5 THE COURT: For Mr. Laffitte.

6 MR. MOORE: -- for Mr. Laffitte, for the offenses for  
7 which he stands convicted, and for the person he is, and for  
8 the other sentencing factors that are at play here.

9 THE COURT: Correct.

10 MR. MOORE: And so --

11 THE COURT: Mr. Moore, let's -- you can give a reply,  
12 but I want to hear from the government, if I could, please.

13 MR. MOORE: Yes, sir. Thank you.

14 THE COURT: Thank you.

15 MS. LIMEHOUSE: Thank you, your Honor. May it please  
16 the Court. We've spent a lot of time today talking about  
17 Russell Laffitte, and individual numbers, and checks. And  
18 what we've lost is the voice of the victims. And that's what  
19 we want the Court to hear first. So, thankfully, some of them  
20 have joined us here today so that you could hear their stories  
21 beyond financial impacts of the defendant's crimes, but really  
22 the personal impacts that they still deal with today.

23 So, first I'll ask Hannah and Alaina Plyler and their  
24 attorney, Eric Bland, to speak.

25 THE COURT: Very good. I'll be glad to hear from the

1 Plyler sisters.

2 Good to see you again.

3 HANNAH PLYLER: Yes, sir. My name is Hannah Plyler  
4 and I'm a victim of Russell Laffitte.

5 Russell Laffitte was someone who I once trusted very  
6 much. He was someone I thought was protecting my settlement  
7 money as my conservator and not letting anyone near it. But  
8 he did the exact opposite, all while I was young and unaware  
9 of his crimes. The trust was in March 2015, when I turned 18  
10 years old, and it was time for him to hand over many files in  
11 my settlement money that he had to quickly come up with right  
12 before my 18th birthday. I know why now the conversations  
13 went away, thanks to my wonderful attorneys, who discovered  
14 the crimes that took place by Russell Laffitte.

15 The crimes Russell committed is something I have to  
16 live with every single day. My settlement money from the  
17 tragic car accident I was involved in, that took the life of  
18 my mom and my brother, was misappropriated and stolen from me  
19 by Russell Laffitte. He took my money, loaned it out to  
20 himself, he also loaned some of it to Alec Murdaugh so he  
21 could clear up his overdraft fees, and then he loaned it out  
22 to other individuals as well, without me ever knowing or ever  
23 being aware he was doing this, or him ever having permission  
24 from anyone, including me. I will always have to live with  
25 the fact that my settlement money was returned to my

1 conservatorship account by Russell stealing again from another  
2 victim's conservatorship account. So, therefore, it was paid  
3 back by stolen funds.

4 My family and I are very affected by this case,  
5 because they have to see me go through these emotions that  
6 open old wounds that I thought were healed, and listen to me  
7 have to talk about and pretty much relive the most horrific  
8 time of my life, July 16th, 2005, the day I lost my mother,  
9 Angela, and my brother, Justin.

10 Russell has really shown what kind of person he is.  
11 He has shown zero remorse, and there have been no apologies,  
12 until today. Being such a young age at the time, Russell  
13 thought it was a good idea to take advantage of me. So, now  
14 it's only right for him to be punished for the crimes he  
15 committed.

16 THE COURT: Thank you, Ms. Plyler.

17 ALAINA PLYLER: Good afternoon, Judge.

18 THE COURT: Good to see you again.

19 ALAINA PLYLER: Yes, sir. Likewise.

20 First of all, thank you for your time and your  
21 patience through this trial. I appreciate you allowing me and  
22 the other victims the opportunity to express the impacts that  
23 we have faced over the past few years.

24 As this Court heard my testimony that I gave, I was  
25 involved in a horrific motor vehicle collision on July 16th,

1 2005, which did take the life of my mother, Angela Lynn  
2 Plyler, and my 14-year-old brother, Justine Lewis Plyler. I  
3 was just a 12-year-old girl; and my sister, Hannah, she was  
4 only eight. My life as I knew it changed within seconds. I  
5 had a long road of recovery ahead of me. And I'm not  
6 necessarily referring to just the physical healing. I'm  
7 referring to the mental healing, learning to process grieving  
8 alone while trying to meet the needs of my surviving  
9 eight-year-old sister, Hannah. I always felt alone, but I  
10 never wanted Hannah to feel alone. I took her under my wing  
11 and essentially became a mother figure to her. I had no  
12 support system for years, no family or parental guidance. At  
13 12 years old, that's detrimental. But I wanted to make sure  
14 that Hannah knew I was there. I felt unwanted by my family.  
15 I thought I burdened my family with my physical and emotional  
16 injuries resulting from the car crash. My father would often  
17 question why wouldn't God allow him to keep his son. And  
18 hearing that as a little girl made me feel like my dad would  
19 have chosen my brother's life over mine. And quite honestly,  
20 after the hell that I went through after my mom and brother  
21 died, I began questioning God too. Why not me? Life was  
22 really hard. I felt as if I had lost both of my parents. I  
23 lived in survival mode for years because of it. It's all I've  
24 ever known.

25 We were also being manipulated by some of our family



1 members, mainly for monetary purposes. Around the age of 15,  
2 I was advised by my attorney at the time, Alec Murdaugh, that  
3 there was no one in my family that he and the courts trusted  
4 to be in control of the awarded money from my lawsuit. And  
5 honestly, I agree. Alec Murdaugh notified me that his good  
6 friend, Russell Laffitte, was appointed by a judge to become  
7 my and my sister's conservator. It was my understanding that  
8 he would be the one to oversee our accounts and protect our  
9 money, since it was believed that my family would have misused  
10 it. It didn't take long for me to open up to Russell once he  
11 took over the role as our conservator. I had to explain to  
12 Russell why I needed funds, no matter how embarrassing the  
13 reasoning was. Sometimes it was for school clothes, sometimes  
14 it was for school activities, sometimes it was so I could have  
15 a meal at night. I was very vulnerable because I was so young  
16 and inexperienced. Sometimes I felt like a homeless person  
17 begging for change to find my next meal. I was so defenseless  
18 and I was so young.

19 And as young as I was, I began to look at Russell as  
20 a father figure, solely because I needed something. He  
21 provided it most of the time. I would ask Russell for  
22 permission to go to school functions before asking my father,  
23 because Russell had the final say. My dad was remarkably  
24 absent, and Russell was only a call away. I quickly began to  
25 trust Russell and I looked up to him. I thought he genuinely

1 had the best interests of me and my sister. It was the only  
2 sense of stability that I had, and it felt safe. This  
3 continued throughout the remainder of my childhood.

4 When I was 17, I had to purchase a home because we  
5 didn't have anywhere to live. Whenever I felt like there was  
6 a problem, I knew Russell would help find a solution. And on  
7 my 18th birthday, I drove to Palmetto State Bank. Grant it,  
8 we never lived in Hampton County. We were always from  
9 Lexington County. So, I drove to Hampton -- so, I'm not a  
10 part of this community that we've heard so much about. But  
11 when I did drive to Palmetto State Bank, that's where I met  
12 Russell in his office. And I was prepared to spend my 18th  
13 birthday going over all my documents with Russell and to  
14 understand the state of our financial affairs. I was  
15 expecting to hear how proud he was of me, because it seemed to  
16 be what most mentors, parents or influential people in one's  
17 life would do when someone you cared about becomes an adult.  
18 Today was the first day I heard Russell say he was proud of  
19 me, and accepting an apology from him. Honestly, I needed to  
20 hear it from someone, but I didn't. It was a big deal to me;  
21 however, it was clear that turning 18 was not a milestone  
22 celebration for Russell. I was given several binders and  
23 informed how my funds would be wired, and pretty much a good  
24 luck. I had no guidance whatsoever. I went from begging for  
25 \$5 one day to having over a half a million dollars in my

1 account the next day, with no structure or advice. I was  
2 given several binders with hundreds of documents that I didn't  
3 understand. I remember feeling that it was a bittersweet  
4 feeling, but I was sad. Eventually, everyone does leave me.  
5 I processed my feelings by convincing myself that I was never  
6 his daughter, this was all business. Even though I cared  
7 about Russell, I cared about his advice and his opinions, he  
8 didn't care about my wellbeing, he didn't care where I ended  
9 up in life. And like most people, I felt like I was just  
10 another dollar sign to him.

11           Once I turned 18 in 2011, the communication between  
12 me and Russell ended quickly. I processed my feelings,  
13 believing that everyone did eventually leave, just like my  
14 mom, my brother, my dad, my grandmother, and just like Russell  
15 did. I was accustomed to the feeling of being rejected and  
16 abandoned. But I grew up and I faced other obstacles in life.  
17 In May of 2016, I was a single mother to a set of two-year-old  
18 twins, and I lost my house and everything in it to a house  
19 fire. Everything I ever owned. My home and everything inside  
20 were total losses. I contacted Russell to let him know,  
21 because, really, I needed someone to talk to. I needed  
22 something that felt familiar, but what I really wanted was my  
23 mom. I felt lost and hopeless. I called Russell because I  
24 knew I was going to need a copy of all of my documents again.  
25 And I asked him if he'd be willing to send me another copy.

1 And he agreed and said we'd get around to it. From May of  
2 2016 up until two years later, I requested documents numerous  
3 times and never got them. But out of the blue in 2020, I  
4 received a very small portion of documents from Russell. I  
5 knew it was only a fraction of what I was supposed to receive,  
6 but something was better than nothing.

7 In October of 2021, I received a random call from  
8 Russell. The phone call was from Russell, advising that SLED  
9 had requested my documents from my conservatorship, and since  
10 he had made copies for SLED, he would go ahead and send it to  
11 me as well. So, totalling five years. It took five years  
12 later to receive my documents. This was another reminder that  
13 I was not a priority of his. As this case unfolded, I began  
14 to see Russell for who he truly was. For years, I felt like I  
15 wasn't good enough. I felt like I was a burden to everyone,  
16 including Russell. I felt undeserving. As more information  
17 surfaced, and Hannah and I became more aware of the fraud and  
18 the unlawful conduct being committed by Russell, there were  
19 many wounds reopened, a lot of emotions which resurfaced,  
20 which I thought were already handled.

21 I feel like I'm reliving the worst days of my life  
22 again. My anxiety has resurfaced since this trial started,  
23 causing me to become medicated again. My mental health has  
24 suffered from this. And I feel like I'm reliving the  
25 beginning again. I find myself crying like that little girl

1 who felt so alone and lost 15 years ago. My heart absolutely  
2 breaks for that little girl that I once was.

3           Some of the most influential people in the Lowcountry  
4 took the most advantage of me, my sister, and many other  
5 victims. And we were just little girls. I was an easy target  
6 and I was vulnerable to those men. Not for sympathy, but did  
7 no one realize what my sister and I had gone through? We were  
8 babies watching our family die. We were babies wondering  
9 where we were going to lay our heads down. We were wondering  
10 where our next meals were going to come from. We were babies  
11 staying up at night wondering if our daddy would make it home  
12 or not, or if he also died in a car wreck. We were babies  
13 begging for love and guidance. Didn't you think we had been  
14 through enough? Didn't you feel compelled to help keep these  
15 girls safe, instead of allowing your friends and family to  
16 reap the benefits of the brutal death of our young mother and  
17 our 14-year-old brother? Grown trusted men took absolute  
18 advantage of two hurting girls. Did you not think that they  
19 had been through enough? I didn't sign up to be a victim. I  
20 didn't ask to have my life story broadcasted either. I never  
21 wanted sympathy. I tried to keep this chapter in my life  
22 closed forever. It's full of hurt, and it's full of sorrow,  
23 pain, disappointment, and emotions that I really can't  
24 explain. Russell put himself in this position, and he put my  
25 sister and me in this position as well. Painful emotions.

1 The mental health medication readministered due to reliving  
2 the worst years of my life. My nightmares of the car wrecks  
3 have returned, after not having them for 10 years. Russell's  
4 decisions to do what he did also caused me to suffer the  
5 consequences. Not one time have I been asked by Russell how  
6 was I doing. And honestly, I'm not okay. But I won't stay  
7 that way. I'm hurt by Russell. I've been betrayed. And I  
8 have this impression that Russell didn't think that Hannah and  
9 I were worth it or maybe not good enough. But I'm here to say  
10 that we are worth it and we are good enough, and so are those  
11 other victims sitting over there, and so are the other victims  
12 that aren't here with us today, my mother and my brother  
13 included. All of the other victims were worth it. Not one of  
14 us deserved any of this. We all have been through enough  
15 pain.

16 My past does not define who I am. I'm not that  
17 little girl anymore. I'm a bigger person now. And I'll admit  
18 that I forgive Russell and I pray for him and his family  
19 often. I would never take advantage of someone's  
20 vulnerability like that, the way it has been taken away from  
21 me and the other victims, because I'm better than that. I  
22 believe in our justice system because I've devoted my life as  
23 a detective to preserve law and order, but I'll never forget.  
24 Thank you, your Honor.

25 THE COURT: Thank you.

1           Mr. Bland?

2           MR. BLAND: Your Honor, as often is the case, what we  
3 have here is the tale of two men. For the first part of the  
4 day -- the morning -- we heard a very generous man, a very  
5 charitable man, definitely a man that is beloved by those that  
6 he associates with in his community, people that are willing  
7 to stand up and talk on his behalf. But we also have another  
8 side of Russell, a side that hasn't been talked about. That's  
9 the side that took money from the girls to build a swimming  
10 pool at his house. That's the Russell that took money to pay  
11 off a loan at seven and a quarter percent that he had with  
12 South State Bank, and then only paid the girls two to  
13 three percent interest at a time when he was charging, as a  
14 banker, the girls 18 to 26 percent, anywhere from automobile  
15 loans or litigation loans.

16           Is he the same Russell who fired his first set of  
17 lawyers and, in his post-trial brief, blamed the conviction on  
18 his lawyers? Is he the same Russell that blamed your Honor  
19 for how the jury ultimately reached a verdict and criticized  
20 you? That is what we're dealing with today.

21           I don't look at Russell so much as a banker, I look  
22 at him as an officer of the Court, because that's who a  
23 conservator is. A conservator takes an oath to preserve and  
24 to conserve. He agrees to act just like a lawyer and follow  
25 the rules of the Court. The Russell that we know is a Russell

1 that operates in the dark. Character speaks when no one's  
2 looking. And Russell took advantage of these young girls and  
3 other victims. You're going to hear from Mr. Bamberg and his  
4 clients, as well as Arthur Badger.

5 He jeopardized our banking system. The sanctity and  
6 integrity of our banking system is so vitally important to our  
7 country and our economy. And I know I heard another advocate  
8 talk about, well, in small towns, this is how you do it, you  
9 know, you can get a loan and you don't have to put up the  
10 lien, or you can get the money first and then get the mortgage  
11 to your house. That's never happened for me. I asked Mr.  
12 Richter (*phonetic*), it's never happened for him. I don't know  
13 too many people it happens for. You know who it happens for?  
14 The most favored in a community, not the rank and file. What  
15 we didn't see here is the normal, everyday people that make up  
16 Hampton County, the people that work hard for a living, that  
17 work by the hour. Those are the people that I didn't see  
18 coming and standing up for Russell Laffitte.

19 I have tremendous empathy and sympathy for his young  
20 children. I have children too, a boy and girl. I have  
21 tremendous sympathy for his parents and, most of all, his  
22 wife. It is sad. But he made the decision to go to trial and  
23 put this case before a jury of his peers. And a jury of his  
24 peers made the decision. And you are required to follow the  
25 law in that decision, and we trust that you will. This is not



1 a time when sympathy should prevail, it's a time for law.  
2 That's what this case is about now: What does the law  
3 require?

4 So, you know, I could sit here, and we could talk  
5 about, you know, the two faces of Russell, the TV appearances  
6 that he did before the trial, but that wasn't really part of  
7 it. But for us, it is a part of it. It shows who Russell is.  
8 And the Russell that we know is the Russell that continues to  
9 this day, fighting the civil lawsuit that these girls filed.  
10 Today was great. Heard the first apology we ever heard. But  
11 was an apology given today because it had to be given? The  
12 time to give that apology was when he was on the witness  
13 stand, or the time to give that apology is when he did those  
14 two videos that were put on for propaganda purposes. And he  
15 never apologized to our clients on those videos and, to my  
16 knowledge, Mr. Bamberg's clients.

17 So, your Honor, I think what we have is, all he had  
18 to say was no. He was the guardian of the gate. There's  
19 always going to be Alex Murdaughs out there, people that are  
20 wolves in suits. But he had the ability just to say no. But  
21 by loaning money to himself, he justified, well, now I'll loan  
22 it to the lawyer for these clients, and somehow it will be  
23 okay. In our society, sometimes we let our guard down when  
24 those who come before us are wearing a suit, or they come  
25 before us and they're a prominent person in the community.

1 And we say, no, that person's never going to do that. The  
2 rules are applied equally to everybody that comes before you,  
3 whether they're of prominence, whether they're a Judge Gergel,  
4 or they're an Eric Bland or a Ronnie Richter, and you're  
5 always applying the same, and you follow the rules that a  
6 fiduciary -- a fiduciary -- is supposed to perform, not put  
7 your own interests above your clients or your wards. The same  
8 rules that apply to a lawyer, apply to a fiduciary.

9 So, we are confident, my clients are confident, that  
10 he's going to receive a just sentence, a sentence that returns  
11 the sanctity to our banking system, the sanctity, if you are  
12 going to accept a conservatorship, to follow the rules. Thank  
13 you.

14 ALAINA PLYLER: Thank you, your Honor.

15 THE COURT: Thank you.

16 MS. LIMEHOUSE: We ask Natasha Thomas and her  
17 attorney, Justin Bamberg, to speak.

18 THE COURT: Hello, Ms. Thomas. Good to see you.

19 NATASHA THOMAS: Hello. Good to see you.

20 THE COURT: Mr. Bamberg, good to see you again, sir.

21 MR. BAMBERG: Good to see you, your Honor.

22 NATASHA THOMAS: Your Honor, my name is Natasha  
23 Thomas. I ask that you please give Russell the sentence that  
24 he deserves. Myself and others trusted him in doing what was  
25 right for me and my wellbeing while I was going through

1 something traumatic in life. He took my trust and betrayed  
2 me. He didn't do this all by himself, he did it with the help  
3 of Alex. Not only did this entire process reopen wounds that  
4 I was finally trying to close in my life, it made me relive  
5 one of the most worst days that happened to me in my life.  
6 That does not feel good at all, and that is not a money thing.

7 As I stood and gave my testimony months ago, telling  
8 the truth was easy. Having to talk about what happened to me  
9 and my family was very hard and hurtful. And the only reason  
10 I had to do that was because Russell chose to commit crimes,  
11 instead of doing right by me as a minor then.

12 I just wanted to stand before you and give a few  
13 words of how I feel, and I would like my attorney to say a few  
14 more words on my behalf as well, if you would please allow it.  
15 Thank you.

16 THE COURT: I certainly will allow it. I couldn't  
17 keep Mr. Bamberg quiet if I wanted to.

18 MR. BAMBERG: Well, your Honor, thank you. Nobody  
19 takes joy in standing up here today. And this has been a long  
20 process.

21 THE COURT: Yeah. Your more common experience would  
22 be trying to protect people from a sentence, correct?

23 MR. BAMBERG: Correct. Correct. You know, I think  
24 the only one who's probably happy that I'm up here with my  
25 slow southern drawl is the court reporter.

1           We heard a lot earlier about, you know, what impact  
2 Russell being sentenced will have on his family and his  
3 friends. And myself, my clients, everyone understands the  
4 pain that they may feel as a family and as close friends. But  
5 today, that's something Russell will have to deal with after  
6 today, his actions that led to the pain that people close to  
7 him may be feeling. Today is about him having been tried and  
8 convicted of breaking the law, and about the victims of those  
9 crimes. When we talk about white-collar crime, it's always  
10 this thing like it's just about money, it's money went  
11 missing. There were real victims here, who suffered real  
12 physical harm.

13           THE COURT: And who were very vulnerable at that  
14 point in their lives.

15           MR. BAMBERG: Extremely vulnerable. And Tasha -- and  
16 I'm so proud of her when she took the stand. I can't imagine  
17 what it feels like, as a young woman, to have to move the hair  
18 over her eye so a jury can understand that she lost vision in  
19 her eye. We think about Hakeem Pinckney. And to really  
20 understand just the gravity of the decisions that were made --  
21 it's not some, I'm a conservator and I'm just going to  
22 misappropriate some money, okay. And Ms. Pinckney is going to  
23 speak after me. Hakeem struggled his entire life. He had a  
24 hard life. At three years old, he lost his hearing and became  
25 deaf. And he overcame it. He graduated from high school. He

1 gets in this horrible accident. And now he is a -- not just  
2 deaf --

3 THE COURT: Quadriplegic.

4 MR. BAMBERG: -- he can't move. He can't move  
5 anything from his neck down. He's in what is now Pruitt in  
6 north Augusta. And you have these individuals that these  
7 folks trusted to look out for their best interests. Sitting  
8 there and listening to Russell checked on somebody about water  
9 pipes or loaned his tractor, or went to southern Georgia,  
10 these are all things that take effort. Not once did he, as  
11 conservator, check on Hakeem in the nursing home. Not once  
12 did he check on Tasha. Not once. Even when Hakeem was found  
13 in that room, deaf, unable to move, suffocating to death  
14 because the ventilator was unplugged, Ms. Pinckney didn't get  
15 a single message from her son's conservator, a carrier pigeon,  
16 anything. Things that take very little to no effort. And he  
17 owed them that. That's the type of suffering that people had  
18 to endure because of his fails. It's not just, I breached a  
19 duty. And, yes, the apology is very much appreciated, and  
20 they've waited a very, very long time for that. But there's a  
21 difference between acceptance and remorse.

22 And, your Honor, when I was a kid, and my grandmother  
23 died, my mom was left with two things from her. One was a  
24 necklace that she never took off, the second was this lamp  
25 that had this glass flower petals on it. My brother and I

1 were breaking the law of our house, which was: You don't play  
2 inside. They didn't play that. And we broke the lamp. I  
3 knew as a young child how much that meant to my mom. I knew,  
4 your Honor, that it was just us. We could have lied about it.  
5 We could have said it was an accident. We could have said we  
6 were vacuuming and knocked it over. I felt true remorse about  
7 having broken that, because I know how important my grandma  
8 was to our family and to my mom. And when she came home, we  
9 told her the truth. It didn't matter if we got the brakes  
10 beat off of us, it didn't matter if we were put on punishment  
11 for a year, it didn't matter if we lost our ability to play  
12 sports. Nothing mattered, because true remorse and acceptance  
13 isn't conditioned on whether you get a benefit from it, at the  
14 end of the day. And I wish that, prior to Tasha getting on  
15 the stand, prior to any of this, prior to law enforcement even  
16 calling, it was easy to pick up the phone and it would have  
17 taken little effort.

18 So, your Honor, we're just asking that the sentence  
19 be commensurate with the crime, with the damage done. It's  
20 not just money that was missing. Money can be replaced.  
21 There are other damages that these victims suffered. And the  
22 general deterrence aspect is important. And I would just echo  
23 everything Attorney Bland said: The banking industry, our  
24 legal industry, everything, is being looked at under a  
25 microscope. And this is one of the worst things that I've

1 seen. I'm a lot younger than Eric, or yourself, or other  
2 lawyers involved, but this is, by far, the worst thing that  
3 I've seen. And I think the sentence has to be commensurate  
4 and justice finally be done for these people, because it's  
5 been -- you know, it may be eight years of fraud scheme, but  
6 they've been dealing with this since the moment that tire  
7 separated and their vehicle rolled over and changed their life  
8 forever. Thank you, your Honor.

9 THE COURT: Thank you, Mr. Bamberg.

10 Thank you, Ms. Thomas.

11 MS. LIMEHOUSE: Lastly, your Honor, we ask that  
12 Ms. Pamela Pinckney, Hakeem's mother, speak.

13 THE COURT: Ms. Pinckney, thank you for being here.

14 PAMELA PINCKNEY: You're welcome, sir. Good  
15 afternoon, your Honor. I stand before you today in the most  
16 humblest way that I know how, because God has made me to be  
17 humble.

18 And to Mr. Russell Laffitte, I forgive you but I will  
19 never forget you, or I can't live this day. I can't live any  
20 day of my life not thinking about what I went through in my  
21 past. My life from 2009 up until this point has been a roller  
22 coaster. The loss of my son, Hakeem, it took an impact on my  
23 life. If it wasn't for God, I don't think I'd be living. God  
24 has sustained me and given me the strength I needed to endure  
25 to get through the suffering and the pain and the hurt of

1 losing my son through a tragic car accident we were in; and on  
2 top of that, being neglected in a nursing home, wanting to  
3 come home. Every time I go to see him, he cries: Mama, I  
4 want to come home. Mama, I want to come home. Here it is, I  
5 was still in the recovery process of trying to heal, two  
6 broken ankles, a broken knee, a broken femur, a broken  
7 shoulder, a broken neck. Took me two years to recover, to  
8 learn how to walk again. And through me going through my  
9 healing process, I did not heal properly because I needed to  
10 make sure that I get to the facility to check on my son,  
11 Hakeem, to make sure that he was okay.

12 His career has ended because of the car accident. He  
13 was selected to play semi-pro football the year that we had  
14 the accident. In 2009, before he graduated, his school won  
15 the deaf championship. He was the MVP player of the year. He  
16 said his dream was to play NFL football. That was his dream.  
17 So, I did the best to the knowledge of my ability to try to  
18 bring my son home and to make his wishes come true, to be  
19 home, because he was a quadriplegic on a ventilator, not able  
20 to the hear clearly or move around on his own. So, I wanted  
21 to make it, as a parent, my business to get my son home, so  
22 that we could take care of him and give him the proper care  
23 that we feel that he needed. And he was taken away from me.

24 And Mr. Russell Laffitte robbed us. He took our  
25 rights away. He just took our -- he just shattered my heart



1 into pieces. I'm broken mentally, physically and emotionally.  
2 I will never heal from this. It's like every day I wake up,  
3 I'm just living my son's death all over again.

4 And I say to the victims: May the joy of the Lord be  
5 y'all's strength, okay?

6 That's all, your Honor.

7 THE COURT: Thank you.

8 MS. LIMEHOUSE: Thank you, your Honor.

9 The victims can really paint the picture of the  
10 nature and circumstances of this offense better than I ever  
11 could. I'm going to spend not too much time on the nature and  
12 circumstances of the offense, but what the victim's have  
13 expressed to you, your Honor. We've spent a lot of time  
14 litigating these enhancements, talking about the nature and  
15 circumstances of the offense. But I think it's important to  
16 highlight that the defendant was the only person in a position  
17 to stop Alec Murdaugh. And rather than stop Alec Murdaugh, he  
18 enabled him and he bankrolled him and he set him up for a  
19 financial position from which he had to steal from these  
20 vulnerable individuals to make his finances right. And it's  
21 the defendant who's responsible for putting Alec Murdaugh in  
22 that position.

23 I want to briefly just address your Honor's  
24 expression about the enhancements and how, in some of these  
25 financial fraud cases, the combined effect of the enhancements

1 might create a higher guideline range. But I think, as we've  
2 litigated these enhancements, they are all specifically  
3 applicable to certain aspects of this scheme and to the  
4 defendant.

5 THE COURT: They definitely are. Each one is  
6 appropriate. You know, each one individually, Ms. Limehouse,  
7 is absolutely supported. The question I have from time to  
8 time -- and you've been before me when I've raised this --  
9 where I've said the combined effect produces a sentence that  
10 in some cases -- not all, some -- the sentence is more than is  
11 sufficient and is greater than necessary. So, I look at every  
12 case individually. And the guidelines, we start with, and we  
13 look at the guidelines, and then we consider all the factors  
14 under 3553(a), balancing some which are very adverse to the  
15 defendant, and some which favor them. And then I determine  
16 whether a guideline sentence is appropriate, and if not, what  
17 the sentence should be. I do that in every case.

18 MS. LIMEHOUSE: Yes, your Honor. And the government  
19 believes that this is one of those cases where the combined  
20 impact of those enhancements does not create a result that is  
21 more than necessary --

22 THE COURT: I picked that up from your brief.

23 MS. LIMEHOUSE: -- to effectuate the purposes of  
24 sentencing. I'd like to speak about the history and  
25 characteristics of the defendant, because I think that's where

1 they spent the most time. And I think we've spent a lot of  
2 time --

3 THE COURT: Can you blame them not spending it on the  
4 other factors?

5 MS. LIMEHOUSE: It's indefensible, your Honor. I  
6 mean, your rulings on the post-trial briefs say it all. The  
7 evidence is overwhelming, it's egregious. These victims could  
8 not have been more vulnerable when they were victimized by the  
9 defendant and Mr. Murdaugh. And so --

10 THE COURT: You know, Ms. Limehouse, one of the  
11 initial objections raised by the defense was that the Court  
12 should not agree to an enhancement for vulnerable adults  
13 because, although Mr. Laffitte thought Mr. Hakeem Pinckney was  
14 a quadriplegic, at the time he stole the money, he had  
15 actually died, and, thus, he couldn't be vulnerable anymore  
16 because he was dead. I had to read it three times to believe  
17 anybody would make such an objection.

18 MS. LIMEHOUSE: I'm glad you were as offended as the  
19 government.

20 THE COURT: And, fortunately, there was good judgment  
21 to abandon that. But it did reflect a lack of remorse. These  
22 were very vulnerable people. Every one of these was a broken  
23 person. And he was their fiduciary. He was their protector.  
24 He had a duty of loyalty to them and he breached that. He  
25 violated that. And he engaged in a criminal scheme at their

1 expense.

2 MS. LIMEHOUSE: We believe it speaks volumes that the  
3 apology comes two years too late, and on the day that  
4 your Honor is faced with making this difficult decision of  
5 fashioning a sentence that's sufficient but not greater than  
6 necessary. They've been waiting to hear that apology for  
7 years. The defendant has talked about the financial impact to  
8 him and his family of his conduct, and the financial  
9 punishment, as they put it, and financial devastation, as they  
10 put it in the sentencing memorandum. And they've come today  
11 with \$92,500 in funds to pay towards restitution in what they  
12 say is symbolic of --

13 THE COURT: I don't know about that. Tell me about  
14 that.

15 MS. LIMEHOUSE: Well, I believe Mr. Moore will  
16 probably speak of this in his reply. But I want to talk about  
17 the defendant's financial picture and ability and claims of  
18 financial devastation. Financial devastation is Natasha  
19 Thomas, at 18 years old, going to a bank to get a loan at  
20 18 percent from her conservator -- not knowing he was her  
21 conservator -- just so she could go to school. That's  
22 financial devastation. Financial devastation is Arthur  
23 Badger, after burying his wife and being left to care for  
24 their six children by himself, being forced to make the  
25 difficult decision to sell their annuities for pennies on the

1 dollar just to provide for them, because the defendant and  
2 Alec Murdaugh stole more than \$1.325 million from them. That  
3 is financial devastation. That is financial punishment. The  
4 defendant stands before your Honor reporting more than 10 and  
5 a half million dollars in assets. The financial punishment to  
6 the defendant pales in comparison to the financial impacts on  
7 his victims.

8 Now, the government has heard, as your Honor has, the  
9 many people who've spoken on his behalf, family, friends,  
10 community members, and we do not minimize or doubt the genuine  
11 devastation that his family and friends feel as a result of  
12 his conduct, and the continued impact that they face after the  
13 Court's decision. All of the people who spoke from the  
14 community and from his family and his friends, it's really  
15 just further indicative of the power and influence the  
16 defendant had in Hampton County. And it highlights how he was  
17 able to exploit that position of power and influence to commit  
18 these crimes.

19 Everyone trusted him. Everyone who spoke today  
20 trusted him. Everyone who's in this courtroom today trusted  
21 him. The law firm trusted him. His bank trusted him. His  
22 family members, who worked at the bank and were on the board,  
23 trusted him. Judge Odom trusted him. But none of them knew  
24 any of the actions that brought him here today. Even the  
25 actions that he's admitted to on the stand -- he's admitted to

1 negotiating all of these checks that were stolen -- they  
2 didn't know he did that, regardless of whether he knew those  
3 checks represented stolen funds. They didn't know that he had  
4 extended Alec Murdaugh over a million dollars in unsecured  
5 loans out of a child's account. They didn't know that he  
6 extended himself more than \$350,000 in loans out of the same  
7 child's account. And they didn't know that he used these  
8 funds to cover Alec Murdaugh's overdraft and to bankroll his  
9 extravagant spending. None of these individuals knew that  
10 until everything came to light. And he's admitted that  
11 conduct. And, of course, none of these individuals knew the  
12 defendant intentionally failed to report these fees on his  
13 taxes because he could get away with it. They would have all  
14 been surprised to learn the defendant committed any of that  
15 conduct when it happened. And surely, they're surprised to  
16 learn about the conduct that the jury convicted him of.

17 And the reality is, we cannot reconcile the Russell  
18 Laffitte that all of these people have talked about today with  
19 the Russell Laffitte that these victims talk about, the people  
20 who were at their lowest moments in life not getting a call  
21 from Russell Laffitte to advise them on their finances and how  
22 to make smart decisions with their settlement funds; not to  
23 help them when they were in their deepest times of need, like  
24 he has for these community members. The defendant has to be  
25 sentenced for the conduct that these victims know about, not

1 all of these community members who have come to speak on his  
2 behalf. And the reality is, every person your Honor sentences  
3 hears pleas from family and friends, who see the defendant on  
4 their best day.

5 THE COURT: And, you know, Ms. Limehouse, you've  
6 heard me many times say: When I sentence someone, I sentence  
7 their entire family. They miss critical family occasions,  
8 they miss the guidance of the parent, they're not with their  
9 aging parents. But if we don't have accountability, we don't  
10 have the rule of law.

11 MS. LIMEHOUSE: Exactly right, your Honor. And the  
12 reality is, but for the death of Mallory Beach and the murders  
13 of Alec Murdaugh's wife and child, I don't think the defendant  
14 ever would have been held accountable for his conduct, because  
15 his position of influence and power in Hampton County allowed  
16 them to get away with it for over a decade. The defendant  
17 said, when he made pleas to this Court, to show mercy "not for  
18 me," but for his family. But your Honor has to sentence him.

19 THE COURT: I don't sentence his family directly, I  
20 sentence him. And I do believe that mercy is an element of  
21 punishment in imposing a sentence. But there's also the very  
22 important element of justice.

23 MS. LIMEHOUSE: Absolutely. And Pastor Brown spoke  
24 on Mr. Laffitte's behalf. And I agree, it was very impactful.  
25 But he spoke of repentance. And that's the one thing we

1 haven't heard from Mr. Laffitte, not in his apology today and  
2 not over the past two years. And instead, what we've  
3 continued to hear is minimizing his conduct, pointing the  
4 finger at his coconspirator, blaming others, and admissions  
5 today of failures as a conservator; but as the Court appointed  
6 out, nowhere near real remorse and contrition for what he  
7 actually did. And Mr. Bamberg said it way better than I could  
8 with his story of the lamp. We've never heard that genuine  
9 remorse from Mr. Russell Laffitte. And that's what would  
10 warrant anything below a guideline range, is genuine remorse  
11 from Mr. Russell Laffitte, instead of what we've heard for the  
12 last two years, which is lies, pointing finger, deflection and  
13 minimization. And the only explanation he ever gave to the  
14 Court is that he didn't look at the memo lines and he made  
15 failures as a conservator.

16 THE COURT: And that, of course, was not credible.

17 MS. LIMEHOUSE: Of course. And you look at any one  
18 of these checks -- and, of course, we know he negotiated more  
19 than a dozen of them, any one of these checks, not only did  
20 the memo lines reference these victims, individuals to whom he  
21 owed fiduciary duties to manage these funds, but we look at  
22 them coming out of a trust account, where either Alec Murdaugh  
23 or any partner at that law firm were ever paid, they were  
24 drafted by Palmetto State Bank, some holding account that  
25 doesn't belong to any of these individuals or to Alec



1 Murdaugh, where these checks should never have been drafted.  
2 Any one of them was covered in red flags, that even a bank  
3 teller would not have negotiated. And, instead, he negotiated  
4 more than a dozen of them for Mr. Murdaugh's benefit. And he  
5 has not taken responsibility for that conduct. And that's  
6 what differentiates him, we present to the Court, from any  
7 other defendant that usually stands before your Honor. We  
8 talk about sort of this continued minimization even today.  
9 And like I said, we didn't hear remorse. We've continued to  
10 hear explanations about community banking and failures as a  
11 fiduciary, but we have not heard him actually take  
12 responsibility for his actions.

13 I want to talk a little bit about Mr. Moore  
14 referencing the offers that the government made to Mr.  
15 Laffitte. We gave him the benefit of the doubt of hiring new  
16 counsel and allowed him to start fresh, so to speak, which was  
17 a huge extension of goodwill on the government's part. And  
18 that was mostly because these victims deserved some  
19 finalization. And that first offer was fully contingent on  
20 him taking responsibility for his actions.

21 THE COURT: Ms. Limehouse, you don't need to explain  
22 to me. I understood immediately the terms and the purpose.

23 MS. LIMEHOUSE: Thank you, your Honor.

24 THE COURT: For finality.

25 MS. LIMEHOUSE: That's correct. And the proposed

1 range, of course, we felt was sufficient but not greater than  
2 necessary under those circumstances.

3 THE COURT: I understood that completely.

4 MS. LIMEHOUSE: And we are not here under those  
5 circumstances. We are, instead, here under circumstances  
6 where, at every stage, from when he was first confronted by  
7 bank employees and law firm employees, to when he was deposed  
8 in civil litigation, proffered by the FBI in the South  
9 Carolina Enforcement Division and the AG's office, where he  
10 testified at a bond hearing, testified with the Office of  
11 Disciplinary Counsel, testified in this trial and again here  
12 today, that's all we have seen. And there has not been any  
13 genuine remorse or taking of responsibility.

14 I think the general deterrence component, your Honor,  
15 is very important. And I sense that from your Honor's  
16 comments. This is a case that could be repeated in most any  
17 small county in South Carolina. But, as I mentioned, the --

18 THE COURT: It can be committed anywhere, where  
19 someone is a fiduciary, holding the trust and controlling  
20 funds for another.

21 MS. LIMEHOUSE: That's correct.

22 THE COURT: And, you know, it's not necessarily a  
23 small town. It could happen anywhere in this situation. And  
24 that's why I think deterrence is a very important element  
25 here. You've prosecuted a lot of people, Ms. Limehouse. I

1 think you would agree with me that white-collar criminals are  
2 probably the easiest to deter, because they would never, never  
3 commit the crimes if they thought they were actually going to  
4 be facing potential incarceration. Some other folks, they  
5 just accept incarceration as just part of the risk of being a  
6 drug dealer or some other type of criminal activity. That's  
7 certainly not true for most white-collar criminals.

8 MS. LIMEHOUSE: I agree. I agree that they're the  
9 easiest to deter. But they're the most difficult to get, and  
10 that's because they sit in positions of power and influence.  
11 Mr. Laffitte has been given every single opportunity that the  
12 world in South Carolina has to offer, unlike many defendants  
13 that appear before your Honor. And he's been able to hire  
14 very esteemed counsel, twice now.

15 THE COURT: I'm not going to hold it against him for  
16 that.

17 MS. LIMEHOUSE: But it shows how difficult it is to  
18 get some of these defendants who've engaged in this  
19 decades-long scheme that's complex and sophisticated. And the  
20 general deterrence message that you can send across South  
21 Carolina for defendants who are similarly situated to the  
22 defendant is a huge impact, your Honor, that when they do get  
23 caught, that we will respond in kind and that we will show  
24 that the justice system and the banking system does have  
25 integrity, and that we are making them answer for their

1 crimes.

2 Mr. Moore claimed in his sentencing memorandum that  
3 we're asking for a punishment for his maintaining his  
4 innocence. And we're not asking for a punishment, but we do  
5 not believe he deserves a break. And so, when we talk about a  
6 variance or something that would warrant a sentence below the  
7 applicable guideline range, we talk about factors that would  
8 warrant such a variance. And someone who has showed such a  
9 lack of remorse does not deserve a below-guidelines sentence.  
10 And so, for those reasons, we think a guideline sentence is  
11 appropriate, your Honor.

12 THE COURT: Thank you. Okay. To avoid killing my  
13 court reporter, we're going to take about a 10-minute break.  
14 And we will be back. And I will, at that point, hear any  
15 reply.

16 Mr. Moore, let's keep it brief.

17 MR. MOORE: I will, your Honor.

18 THE COURT: And then we will address the issue of  
19 sentencing.

20 *(Recess.)*

21 THE COURT: Ms. Limehouse, remind me of a couple  
22 facts.

23 MS. LIMEHOUSE: Yes, your Honor.

24 THE COURT: And if I'm getting my victims confused,  
25 you'll let me know that. I recall at some point, the Plyler

1 girls were sleeping in their car and were struggling and had  
2 to go get a loan, and had got a high-interest loan.  
3 Meanwhile, they were supposed to have a lot of money in their  
4 trust account. Am I remembering this right?

5 MS. LIMEHOUSE: I think that's a little --

6 THE COURT: I'm worried about my sequence of events.  
7 That's what I'm worried about.

8 MS. LIMEHOUSE: So, Alaina was sleeping in a car  
9 because she didn't have anywhere to live. So, that's when  
10 Russell helped her buy a home. Hannah did need a car at some  
11 point in time. And she had very specific requests she made to  
12 get that car. Her father and his girlfriend only had one  
13 vehicle. The girlfriend worked. Hannah needed the car to get  
14 to and from school. Russell, with the Court's agreement,  
15 denied her request to get the car. Eventually, she was given  
16 a car that he bought out of those conservatorship funds. And  
17 when we looked, there were sufficient funds -- at the time she  
18 was denied the opportunity to purchase the car, there were  
19 sufficient funds to buy the car in her account. So, it wasn't  
20 a situation that we expected to see, where there were no funds  
21 because they had loaned the money to themselves, there were  
22 funds in her account at the time.

23 THE COURT: Just didn't get them.

24 MS. LIMEHOUSE: That's correct. Now, let me make  
25 sure with the Plyler's that I'm not misstating anything.

1           That's accurate, your Honor.

2           THE COURT: It does highlight, of course, the fact of  
3 how victimized they were at this time.

4           MS. LIMEHOUSE: Absolutely. And especially when  
5 juxtaposed with the people we heard speak today in their times  
6 of need. They had very clear times of need, and were not met  
7 with the same response.

8           THE COURT: I remember at trial the very touching  
9 testimony of the two sisters on this issue.

10          Okay, Mr. Moore. Glad to here from you in reply.

11          MR. MOORE: Yes, sir, your Honor.

12          When we the talk about remorse -- and I'm going to  
13 spend a moment on that -- I think Russell has demonstrated the  
14 amount and degree of remorse that he can demonstrate, given  
15 where we are, not only in this case but in others. I think I  
16 heard your Honor say earlier when you heard him speak, that if  
17 he were unfettered, then he would be expressing more remorse.  
18 And so, again, I think he has done what he believes he can do,  
19 and I do believe it is genuine, and I do believe it comes from  
20 the heart. Now, on the timing of it, you know, I've been in  
21 this case for six months. I can't speak to a lot of those  
22 other issues. Do I wish -- does he wish that there had been a  
23 vehicle for him to express remorse earlier? He absolutely  
24 does.

25          THE COURT: Well, he had a way to do it. He could

1 have pled guilty. I think it's clear that he is guilty. And  
2 he could have done that. And had he expressed that at his  
3 guilty plea, he would have gotten acceptance of  
4 responsibility, and he would have expressed remorse at his  
5 sentencing. So, some of his inability to express what you say  
6 now is his genuine remorse is usually part and parcel of  
7 actually admitting one's criminal responsibility. Now, he has  
8 every right to deny it, and I don't fault him for it, but it  
9 just doesn't come off as sincere when one says, well, I did  
10 all these things, yeah, I did them, I really feel badly about  
11 it, but I am an innocent person. He's not an innocent person.  
12 And sometimes the reason the Court has to impose  
13 responsibility is when the defendant won't accept it himself.  
14 And that's what I intend to do.

15 MR. MOORE: I understand that, your Honor. I simply  
16 wanted to address that remorse point. With respect to imposed  
17 responsibility and imposed accountability -- and I understand  
18 accountability is what I've heard from Ms. Limehouse, I've  
19 heard it from your Honor, it goes to the general deterrence  
20 issue -- the question is: How much --

21 THE COURT: Is necessary.

22 MR. MOORE: Yes, sir. How much is necessary but not  
23 too much? I think that is the issue. It is the primary issue  
24 here today, at least as far as he is concerned.

25 THE COURT: Well, it is certainly an important

1 factor. And then to determine that, what is sufficient but  
2 not greater than necessary, deals with all those factors under  
3 3553(a). One of them is deterrence. One of them is the  
4 magnitude of the offense itself, the nature and circumstances  
5 of the offense, the seriousness of the offense. What is a  
6 just sentence? What would protect the public from further  
7 crimes? All those things are factors under 3553(a).

8 MR. MOORE: Yes, sir.

9 THE COURT: And it's not just, how much will deter.  
10 That is an important factor; it is not the only factor.

11 MR. MOORE: And I understand that. But it seems to  
12 be an important factor to your Honor, and I understand why it  
13 is.

14 THE COURT: It is. It is.

15 MR. MOORE: Okay. And so, that's why I'm spending  
16 some time on it. And there are two points that I would simply  
17 like to make --

18 THE COURT: Okay.

19 MR. MOORE: -- which is, if this were a state court  
20 case -- and it's not, okay. If this were a state court case,  
21 there's a state court statute that allows the sentencing judge  
22 to give credit towards time served. The only way you can do  
23 that, the only way you can give credit for the ankle monitor,  
24 if you will, and the conditions --

25 THE COURT: I am not going to give credit for an



1 ankle monitor. I'm sorry.

2 MR. MOORE: Okay.

3 THE COURT: Just drop that one.

4 MR. MOORE: All right. Another point that I have not  
5 made, okay, is something that I learned in getting ready for  
6 this sentencing, which is that, no matter what your sentence,  
7 he will not be eligible for the lowest security facility in  
8 the BOP; no matter what your sentence and no matter what his  
9 criminal history category score is, because of the similar  
10 pendency of these other state charges, they will bump him up a  
11 security level, despite the fact that there has been no  
12 adjudication. Now, I've been practicing law for 30-something  
13 years. I didn't know that before, but I have learned it now  
14 and I confirmed it with the Department of Corrections.

15 THE COURT: I can't control the assignment practices  
16 of the Bureau of Prisons. That's beyond my control.

17 MR. MOORE: I understand that, your Honor. I'm  
18 simply talking about --

19 THE COURT: Let me just say for the record, I think  
20 he's a low-security prisoner, okay? How they rate him is  
21 their business. He is not likely to attempt to escape or to  
22 commit violence against others. You can take that transcript  
23 and show it to the BOP. But they have other factors that they  
24 consider, and I don't make prison assignments.

25 MR. MOORE: And I understand that, your Honor. I'm

1 simply asking your Honor to consider that when you think about  
2 your ultimate sentence, and, again, with respect to  
3 accountability, how much time. Three years is a lot of time  
4 in jail, okay? Five years is a lot of time in jail, okay?  
5 Seven years is a lot of time in jail. Eleven years is an  
6 incredible amount of time in jail. And so, when you think  
7 about the sentence to be imposed, I would ask your Honor to  
8 consider that you don't have to give him 10 years or more or a  
9 guideline sentence in this case -- because the guidelines are  
10 so high, you do not have to give him a sentence in that range  
11 to achieve general deterrence and to achieve full  
12 accountability for the crimes for which he has been convicted.

13 With respect to your Honor's comment about vulnerable  
14 victim enhancement, don't blame him. The only person to blame  
15 is me for that initial --

16 THE COURT: That had to be the worst objection I've  
17 ever seen.

18 MR. MOORE: As I said, blame me.

19 THE COURT: To be honest with you, Mr. Moore, it  
20 shocked me. And I really don't hold it against him, because  
21 only a lawyer could think of that.

22 MR. MOORE: Well --

23 THE COURT: Out of all due respect.

24 MR. MOORE: And later on, these lawyers decided that  
25 -- we rethought that.

1 THE COURT: That was a good thought.

2 MR. MOORE: Okay. All right. But I want to tell  
3 you, that's on me, okay? I take responsibility for that.

4 THE COURT: And I'm not blaming him for it, it just  
5 really -- you know, Mr. Laffitte was very engaged in his  
6 defense. He's not someone who just sits back. I watched him  
7 during the trial. He's very well informed, he's very engaged.  
8 He's a very intelligent person. And he had to sign off,  
9 presumably, on those. And it bothered me he did it, but I  
10 reached the conclusion that, at some point, cooler heads  
11 prevailed on that particular objection. I'm not holding it  
12 against him, but it was deeply troubling to me at the time.

13 MR. MOORE: And so, again, your Honor, blame me.  
14 There was a time when I felt like we were drinking out of a  
15 firehose, and I still feel that way to some extent. But we've  
16 had a lot of time to think, okay, and so I understand that.  
17 So, blame me, don't blame him, and I appreciate the fact that  
18 you're not.

19 And I have to say that this is, I think, the first  
20 time I've heard an argument that the only way that Alec  
21 Murdaugh could have done this -- it's not the only way that  
22 Alec could have done this, but Russell Laffitte put Alec  
23 Murdaugh into a situation where he had to steal these  
24 settlement proceeds. I don't think --

25 THE COURT: No. I didn't hear that. That's not the

1 argument I heard.

2 MR. MOORE: Okay.

3 THE COURT: It is that this criminal scheme wasn't a  
4 solo act and it couldn't have been a solo act. It took a  
5 team, and Murdaugh had a team. And that team member -- that  
6 coconspirator, per the jury to the Count 1 conviction, was the  
7 defendant.

8 MR. MOORE: So, with respect to this 93,500 --

9 THE COURT: Yeah. Tell me about that. I want to  
10 hear about that.

11 MR. MOORE: So, Russell has paid back \$17,500. The  
12 92,5 is 110, minus 17,5. While he does intend to appeal --

13 THE COURT: Just so we all understand what we're  
14 talking about, the 110 involves the conservator PR fees of  
15 Hakeem Pinckney, Natasha Thomas, and Arthur Badger?

16 MR. MOORE: Yes, sir, it is. Whether guilty or not,  
17 okay, whether conviction is affirmed on appeal or not, he  
18 believes that he ought to disgorge himself of those funds. He  
19 believes it is the appropriate thing to do because he has  
20 mismanaged those conservatorships.

21 THE COURT: That would be a generous description of  
22 what happened.

23 MR. MOORE: And so, my point is that that is why he  
24 wants to make that payment. He asks that that be credited  
25 towards restitution. And I understand that I can't control

1 how restitution is calculated, created or credited, okay, but  
2 that is why we are making this payment, because of that. And  
3 I wanted your Honor to understand it and understand why we  
4 were doing it.

5 THE COURT: I think that's an appropriate thing for  
6 him to do.

7 MR. MOORE: And with respect to the argument that he  
8 only treats people of the highest walks of life with  
9 respect -- and that's probably over-arguing -- I just don't  
10 think that evidence supports that here.

11 THE COURT: Listen, he, in many aspects of his life,  
12 was extremely generous with all types of people.

13 MR. MOORE: And I --

14 THE COURT: He also was incredibly cruel to some of  
15 the most vulnerable people I have ever encountered. I've got  
16 to weigh all of that.

17 MR. MOORE: And I wish I could give your Honor a good  
18 answer for that, okay, I wish I could. I know that he wishes  
19 that he had done things very differently. And, you know,  
20 perhaps it's just Alec Murdaugh telling him, you don't have to  
21 do anything, I got it -- now, Alec Murdaugh telling me that  
22 you don't have to do anything, I got it, doesn't mean that I'm  
23 justified in doing what he did, okay?

24 THE COURT: Alec Murdaugh was not the conservator, he  
25 was not the personal representative. Mr. Laffitte was

1 appointed by a court. He was an officer of the court. He had  
2 a duty of absolute loyalty to his beneficiaries, which were  
3 these victims.

4 MR. MOORE: And I'm sure that Mr. Laffitte wishes, if  
5 he had it to do over again, he wouldn't have ever become a  
6 conservator for anyone because he wasn't prepared to do it and  
7 he didn't do it well. And I agree with that and I understand  
8 it. And I know that that is something that your Honor is  
9 going to factor into account when you sentence him. I'm  
10 simply asking your Honor to consider all of the factors under  
11 3553(a). You don't want me to repeat what I've said in my  
12 sentencing memorandum or what I've said here today, that there  
13 are two points that I would respectfully request that, when  
14 your Honor sentences, that you recommend to the Bureau of  
15 Prisons -- and I understand it's a recommendation only -- that  
16 he be sentenced to FCI Jessup, to the facility that is  
17 available to him at FCI Jessup, because it is closest -- it's  
18 not the closest facility to his home, but I believe that it is  
19 the closest facility to his home that will accommodate the  
20 custody status that I believe he will require. It does have a  
21 --

22 THE COURT: How far is it from his home?

23 MR. MOORE: I beg one moment.

24 As the crow flies, because I've driven it, okay --  
25 not for this case. As the crow flies, it's less than an hour.

1 As you drive it, it is a little bit farther. I beg one  
2 moment.

3 It's about two hours, Judge. It's about two hours.

4 THE COURT: I mean, you know, the family is going to  
5 be on the road all the time, I know that.

6 MR. MOORE: Yes, sir.

7 THE COURT: So, is there any closer?

8 MR. MOORE: I don't think that he qualifies for  
9 Estill, okay? And it's the closest. I don't think that he  
10 qualifies for it.

11 THE COURT: How about if I recommend the closest  
12 facility to which he qualifies? Because, I don't know how the  
13 Bureau of Prisons assigns people.

14 MR. MOORE: Yes, sir.

15 THE COURT: You may know more than I do. But I've  
16 said on the record, I don't think he's violent, I don't think  
17 he's dangerous, I don't think he would try to escape. He, in  
18 my view, uninformed about the Bureau of Prisons policies,  
19 would qualify for the lowest level of security necessary.

20 MR. MOORE: I will tell you, your Honor -- and I  
21 understand your Honor's point. I'd ask for Jessup. And this  
22 is why. Because I think they have vocational programs too  
23 that he wants to take advantage of.

24 THE COURT: Okay. I will do that.

25 MR. MOORE: He really does. And they also have an

1 RDAP program. I don't know if he's going to be able to --

2 THE COURT: Do you want me to recommend RDAP?

3 MR. MOORE: I would ask that you recommend RDAP if  
4 the Bureau of Prisons determines he's qualified, yes, sir, I  
5 would.

6 MS. LIMEHOUSE: I'm not sure that he would qualify.  
7 He hasn't shown anything about drug abuse or substance abuse.

8 THE COURT: Well, I don't want to invade some of the  
9 aspects of the presentence report, but there is some family  
10 history that might make that an appropriate request. I don't  
11 know of any harm by me recommending it. He's been through a  
12 lot, his family has. I don't have any problem recommending  
13 it.

14 Believe me, the Bureau of Prisons doesn't listen to  
15 me much more than they listen to you, Mr. Moore.

16 MR. MOORE: I understand that. They didn't listen to  
17 me as an AUSA, and they certainly don't listen to me now. But  
18 I would appreciate those recommendations. And after  
19 your Honor imposes sentence, there are a couple of other  
20 things that we obviously may need to talk about.

21 THE COURT: Okay.

22 MR. MOORE: But I'm happy to answer any questions if  
23 your Honor has any questions for me. And before you do, let  
24 me go step to my co-counsel and make sure that a better lawyer  
25 than me doesn't have something else that I need to say.



1 THE COURT: Or even two better lawyers than you.

2 MR. MOORE: That's correct.

3 No, sir, your Honor. I wish to thank you for the  
4 care, consideration, and your patience in listening to us  
5 today.

6 THE COURT: Thank you very much.

7 The least attractive aspect of being a U.S. District  
8 Court Judge is imposing a prison sentence. I know of no  
9 colleague who enjoys this part of the job. But it is an  
10 important part, and it is a duty that my colleagues and I take  
11 very seriously. And we are very deliberate about it. I know  
12 in state court they will convict someone and stand them up and  
13 sentence them right there. And we don't do that. We have a  
14 detailed presentence report.

15 We went through multiple versions, as defense counsel  
16 brought issues to the attention of my probation officers. And  
17 now we've had a day-long hearing. We try to be deliberate.  
18 And there is no perfect magic to this, but our goal ultimately  
19 is to impose a sentence which is sufficient but not greater  
20 than necessary to accomplish the purposes of the law. So, let  
21 me announce the sentence, and then I want to explain the  
22 Court's reasoning in imposing the sentence.

23 MR. MOORE: Do you want us to stand?

24 THE COURT: You may stand.

25 MR. MOORE: Yes, sir.

1 THE COURT: Having calculated and considered the  
2 advisory sentencing guidelines, and having also considered the  
3 relevant statutory sentencing factors contained in 18 United  
4 States Code 3553(a), it is the judgment of the Court that the  
5 defendant, Russell Lucius Laffitte, is hereby committed to the  
6 custody of the Bureau of Prisons to be imprisoned for a term  
7 of 84 months, consisting of 84 months as to Counts 1, 2, 3, 4,  
8 5, and 6. Said terms to run concurrently. This term of  
9 imprisonment shall run concurrently to the anticipated state  
10 sentence for conduct related to the instant sentences of  
11 conviction, as outside lined in paragraph 158 of the  
12 presentence report. I make the point that a state judge can  
13 disregard my recommendation regarding that, but that is my  
14 recommendation to the state court. I frankly believe that the  
15 84-month sentence is sufficient for all of these offenses that  
16 are identical. I don't know exactly what is in state court,  
17 but the Court believes this sentence is sufficient but not  
18 greater than necessary.

19 It is further ordered that the defendant shall pay  
20 mandatory restitution in the amount of \$3,555,884.80 to the  
21 victims in this case through the Clerk of the United States  
22 District Court, 83 Meeting Street; Charleston, South Carolina  
23 29401. Payments are due and payable immediately. Interest on  
24 restitution is waived. It appears the defendant does not have  
25 the ability to pay a fine, therefore, the fine is waived. The

1 defendant shall pay the mandatory \$600 special assessment  
2 fees, which are due and payable immediately. Upon release  
3 from imprisonment, the defendant shall be placed on supervised  
4 release for a term the of five years, consisting of five years  
5 as to Counts 1, 2, 3, 4, 5, and 6. Said terms to run  
6 concurrently.

7 And, Mr. Moore, I make the point that, should the  
8 defendant fully satisfy his restitution, I would consider --  
9 assuming he has been compliant with the terms of supervised  
10 release -- to consider a request to shorten that term.

11 MR. MOORE: Thank you, your Honor.

12 THE COURT: While on supervised release, the  
13 defendant shall comply with the mandatory conditions of  
14 supervision outlined in 18 United States Code 3583(d) and  
15 sentencing guideline 5D1.3(a) and the standard discretionary  
16 conditions outlined in sentencing guideline 5D1.3(c), as noted  
17 in paragraphs 200 and 203 of the presentence report.

18 Standard conditions of supervision one through nine  
19 serve the statutory sentencing purposes of public protection  
20 and rehabilitation, pursuant to 18 United States Code 3553(a)  
21 (2)(C) and (D).

22 Standard conditions of supervision 10 and 12 serve  
23 the statutory sentencing purpose of public protection,  
24 pursuant to 18 United States Code 3553(a)(C).

25 Standard condition of supervision 11 ensures that the

1 defendant does not engage in activities that may potentially  
2 conflict with other conditions of supervision and that may  
3 pose risk to the defendant's probation officer.

4           The defendant shall also comply with the following  
5 special conditions for the reasons set forth in the  
6 presentence report, which has previously been adopted by this  
7 Court as the findings of fact for purposes of sentencing:  
8 Number one, you must pay any remaining unpaid restitution  
9 balance imposed by the Court in minimum monthly installments  
10 of \$2,000, to commence 30 days after release from custody, or  
11 following the imposition of a sentence if a time-served --  
12 actually, that is not applicable here. The payments shall be  
13 made payable to the Clerk of the United States District Court  
14 and mailed to 83 Meeting Street; Charleston, South Carolina  
15 29401. Interest on any restitution and fine ordered is  
16 waived. Payments shall be adjusted accordingly, based on your  
17 ability to pay, as determined by the Court. This is a  
18 mandatory provision. This, in no way, modifies the ability of  
19 the government, through its civil proceedings, to enforce  
20 restitution.

21           Number two, you must not incur any new credit charges  
22 or open any additional lines of credit without the approval of  
23 the probation officer. This condition is provided based upon  
24 the nature of the offense to deter and detect potential future  
25 economic crimes, to assist the defendant in getting control of

1 his financial situation, and to serve the statutory sentencing  
2 purposes of public protection, deterrence and rehabilitation.

3 Number three, you must provide the probation officer  
4 with access to any requested financial information and  
5 authorize the release of any financial information. The  
6 probation officer may share the financial information with the  
7 United States Attorney's Office. This condition is provided  
8 based upon the nature of the offense to deter and detect  
9 future economic crimes, to assist the defendant in getting  
10 control of his financial situation, and to serve the statutory  
11 sentencing purposes of public protection, deterrence and  
12 rehabilitation.

13 Now, I have made the decision to vary here downward  
14 from a guideline sentence of 108 to 135 months to 84 months,  
15 seven years. I have determined that that condition, based on  
16 all the factors under 3553(a), is sufficient but not greater  
17 than necessary to accomplish the purposes of the law.

18 I want to discuss the 3553(a) factors. I've  
19 considered all of the factors in imposing in sentence. I've  
20 considered the nature and circumstances of the offense. The  
21 defendant engaged in a nearly decades-long criminal conspiracy  
22 of fraud and deception, which victimized highly vulnerable  
23 persons: Minors, severely injured persons, grieving persons.  
24 The defendant actively participated in the scheme that would  
25 not have been possible without his role as a fiduciary over

1 the funds which were looted.

2 I've considered the history and characteristics of  
3 the defendant. He has no prior criminal history. And I've  
4 heard commendable events from very fine people who have come  
5 here today. I find that information credible. He is a family  
6 man. He is a good parent, a good spouse, and active in his  
7 community.

8 The offenses here are serious, methodical financial  
9 crimes. I believe this sentence promotes respect for the law  
10 and imposes a just punishment without over-punishing the  
11 defendant. I believe the sentence affords an adequate  
12 deterrence, protects the public from further crimes of this  
13 defendant, and frankly, with a general deterrence, the crimes  
14 of others. And I believe it avoids unwarranted disparities.  
15 I've made reference to the sentencing guidelines data, which  
16 shows that actually this sentence of 84 months is very much in  
17 the mainstream of similar sentences with identical total  
18 offense levels and criminal histories. I will say that my  
19 colleagues around the country have generally varied somewhat  
20 down to this sort of seven-to-eight-year level when imposing  
21 these sentences, even though the guidelines are 108 to 135.  
22 But I think it reflects the fact that sometimes the combined  
23 effect of all properly accounted-for relevant factors, it is  
24 in the mainstream. And I think, frankly, I've kind of arrived  
25 in my own mind about the range here and was not surprised that

1 it fell within the range that is often done by my colleagues.  
2 It's just a factor to consider. In the end, I weighed every  
3 one of the 3553(a) factors to impose a sentence which is  
4 sufficient but not greater than necessary.

5 We've allocated the -- and I've been told there is  
6 not a dispute on the restitution, some which are joint and  
7 several between Mr. Murdaugh and Mr. Laffitte, and some which  
8 are solely Mr. Laffitte. Government's Exhibit No. 5  
9 identifies those, and I incorporate those as part of the order  
10 in this matter. I want to provide Mr. Laffitte his appeal  
11 notice.

12 You have a right to file an appeal. You must file an  
13 appeal within 14 days of the entry of judgment. Further, you  
14 have a right to apply to appeal in forma pauperis, and the  
15 clerk of court will prepare and file a notice of appeal upon  
16 your request.

17 I find that voluntary surrender is appropriate here  
18 and will continue the bond until voluntary reporting. I  
19 recommend FCI Jessup as a location for incarceration. And I  
20 will recommend the Bureau of Prisons consider RDAP. That is  
21 my sentence.

22 Are there further matters to come before the Court?

23 Mr. Moore, you mentioned there was something?

24 MR. MOORE: Your Honor, I'm going to file a motion --  
25 or I intend to the file a motion seeking an appeal bond.

1 THE COURT: I will address that right now.

2 MR. MOORE: Your Honor, you will not allow me to file  
3 -- we have one that we can file within a few days. I'm happy  
4 to address it --

5 THE COURT: You can address it right here. We're in  
6 the middle of all this. Let's address it.

7 MR. MOORE: So, your Honor, again, I would request  
8 leave to file something supplemental with the Court, but we  
9 would request that your Honor allow Mr. Laffitte to remain on  
10 bond pending appeal. We filed a motion -- his prior counsel  
11 filed a motion for a new trial. We filed some supplements.  
12 Your Honor denied that request. And I understand your Honor's  
13 reasoning.

14 We believe that the issue of the removal of the two  
15 jurors is specifically an issue that, if it were decided in  
16 Mr. Laffitte's favor, could reverse this conviction. And,  
17 your Honor, I don't believe he's a risk of flight. It's not a  
18 mandatory detention case, as your Honor knows. Your Honor has  
19 agreed to let him remain out pending designation. And so, for  
20 all of those reasons, we move that an appeal bond is  
21 necessary. The government doesn't consent. They told me that  
22 they don't consent.

23 THE COURT: Big surprise.

24 18 United States Code 3143(b) addresses this issue.  
25 And the reason I don't need briefing is the law is very clear



1 on this. To allow an appeal bond, I must make a finding that  
2 there is a substantial question of law or fact likely to  
3 result in reversal and order for a new trial. I do not make  
4 such a finding. And, in fact, this whole issue about the  
5 jurors that was part of the post-conviction motions was a  
6 motion filed by you, Mr. Moore, claiming that the other  
7 lawyers were incompetent for having consented to the very  
8 decisions made by this Court regarding the jurors. And the  
9 government appropriately said, well, they basically admitted  
10 our argument, which was that this was proper. The jury  
11 decisions were made close consultation of defense counsel and  
12 government counsel and consented to by both. I do not find  
13 that it's likely that there will be a reversal. And I deny  
14 the appeal bond on that basis.

15 MR. MOORE: Thank you, your Honor. I take it that,  
16 at the appropriate time, I will have to take that up with the  
17 Fourth Circuit and see where we go.

18 THE COURT: You always have a right to go to the  
19 Fourth Circuit.

20 Yes, Ms. Limehouse.

21 MS. LIMEHOUSE: A couple minor issues, your Honor.  
22 We anticipate that there will be some litigation about Mr.  
23 Laffitte's assets and his ability to satisfy restitution  
24 judgment. We intend to file motions to enforce the  
25 restitution judgment and may, depending on prior to appeal or

1 after appeal, request that his assets be liquidated. I would  
2 in the meantime ask that your Honor order as a condition that  
3 he not be able to liquidate those assets without court  
4 approval.

5 THE COURT: Which assets? He's got to live.

6 MS. LIMEHOUSE: Well, that's true. He does have over  
7 \$6 million recorded assets in bank stock, and that's just  
8 Palmetto State Bank stock. And he also has a couple hundred  
9 more thousand dollars in stock at Bank of America. He also  
10 has a significant amount over a million in 401K. And then he  
11 does have an interest in a family partnership, a 32-percent  
12 interest, valued at slightly under \$2 million. We expect that  
13 he will attempt to liquidate some of these assets to satisfy  
14 attorneys' fees, particularly for his appeal. And our  
15 position would be that if he attempts to do so, we want to be  
16 able to attach those funds to satisfy his restitution  
17 judgment.

18 So, we'd ask that your Honor prevent him from making  
19 any such decisions without the Court's involvement and  
20 approval until we have a better understanding of exactly how  
21 that restitution judgment is going to be enforced.

22 THE COURT: What's the defense's response to that?

23 MR. MOORE: Well, first of all, your Honor, I think  
24 that the state bond that he's currently under prevents him  
25 from liquidating those assets. As I've told Ms. Limehouse,

1 he's not going to liquidate anything without my consulting the  
2 government and without approaching the Court, if necessary.  
3 And so, if your Honor says, I don't want you touching the 401K  
4 and I don't want you touching the bank stock or dealing with  
5 any issues with the bank stock without the permission of this  
6 Court, I don't have any problem with that as a condition of  
7 his bond going forward. Because, I agree with Ms. Limehouse,  
8 we're going to be coming to the Court and talking to the Court  
9 about restitution. It's not going to shock your Honor that we  
10 probably have a difference of opinion as to whether or not  
11 that restitution judgment should be executed during the  
12 pendency of his appeal. And so, that's an issue that we're  
13 going to have to deal with the Court on. And so, I don't have  
14 any problem with your Honor imposing those conditions.

15 THE COURT: Of course, we don't know if the  
16 government's going to try to execute before an appeal is  
17 final. That's up to the -- and I think we can address it  
18 then.

19 So, let me just make this -- sounds like the state  
20 court may have addressed it, but let me address it. I hereby  
21 enjoin the defendant from transferring any of his --  
22 liquidating or transferring any of his shares of stock in the  
23 Bank of America or to Palmetto State Bank. Also, money in the  
24 escrow account of Nelson Mullins for the sale of the Forest  
25 Drive home, the 401k, and the interest in the Laffitte family

1 partnership, I enjoin him from transferring or liquidating  
2 those assets without further order of the Court.

3 Now, let's be candid here. The defendant has a right  
4 to pursue an appeal. And we don't want -- I think that  
5 there's evidence in the PSR -- I know this is from information  
6 the defendant provided, hasn't been audited -- that he had  
7 assets of \$10 million in liabilities of five million, roughly.  
8 And the restitution is 3.5 million. To the extent that he  
9 seeks to pay money that the government is satisfied there's  
10 sufficient money securing the restitution, how he spends the  
11 rest of his money is his business. It's nobody else's  
12 business. And the Court wouldn't stop him from doing that.  
13 So, I think we need to figure out what those assets are  
14 actually worth. And to the extent that we can secure those  
15 assets, then he should be able to fund whatever he wants to  
16 from his other resources. The Court has no interest in that.  
17 The government has no interest in that. And what we're not  
18 trying to do is prevent him from having an effective appeal.

19 So, let me say this. You know, I make judgments  
20 about the reasonableness of attorneys' fees all the time, Mr.  
21 Moore.

22 MR. MOORE: Yes, sir.

23 THE COURT: And to the extent that you are seeking  
24 resources that are subject to restitution, then I have to  
25 evaluate, A, should we allow that -- and I probably would, to

1 some degree, if the other resources weren't sufficient, to  
2 protect his right to an appeal, but it would be subject to a  
3 reasonableness standard. And I would have to deal with  
4 those as they come in. And I've had that issue addressed on  
5 multiple occasions in cases.

6 MR. MOORE: And I understand that, your Honor. And I  
7 expect we're going to be addressing those issues with  
8 your Honor in the next 30 to 60 days.

9 THE COURT: I would urge y'all to try to work it out  
10 among yourselves. It seems to me that -- I don't think the  
11 government has any particular interest in seizing funds that  
12 are beyond the need for restitution. And the simple answer  
13 may be that he has additional other resources; I just don't  
14 know that. But if he doesn't, I'm still going to protect his  
15 right to mount a defense.

16 MR. MOORE: Yes, sir.

17 THE COURT: And he has every right to do that. And I  
18 take no offense that whatever he says on appeal is part of the  
19 system. I always say, in this business, if you want a friend,  
20 get a dog.

21 MR. MOORE: Your Honor, a judge who's no longer with  
22 us once told me when I worked for the U.S. Attorney's Office:  
23 The government pays both of us but it doesn't pay us to agree  
24 with each other.

25 And so, you know, the complicating issue here is, if

1 he liquidates assets, he gets a substantial tax liability.  
2 And that's what makes this whole thing tricky.

3 THE COURT: I understand the consequence of  
4 liquidation of taxes. And I just think it's something we'll  
5 dig into as we proceed. But I think the first step is for  
6 both of you to try to work out what is a reasonable value of  
7 assets, because it may make the entire issue academic.

8 Are there further matters that come before the Court?

9 MS. LIMEHOUSE: One minor thing. We've sent a  
10 revised preliminary order of forfeiture to Ms. Perry. And we  
11 just ask that you incorporate it into your final judgment.

12 THE COURT: I will do that. That motion will be  
13 granted.

14 Anything further?

15 MR. MOORE: No, your Honor. Nothing further. Thank  
16 you, your Honor.

17 MS. SHOUN: Thank you.

18 THE COURT: Very good. This hearing is adjourned.

19 MS. LIMEHOUSE: Thank you, your Honor.

20 \* \* \* \* \*

21 I certify that the foregoing is a correct transcript from  
22 the record of proceedings in the above-entitled matter.

23 s/Lisa D. Smith,

8/17/2023

24 Lisa D. Smith, RPR, CRR

\_\_\_\_\_  
Date

25