

credibility of witnesses (Mr. Murdaugh) and the validity of legal theories (his “pretty controversial decision” regarding evidence of financial crimes). And he comments extensively about the “culpability of the defendant.”

It is categorically inappropriate for a judge to give interviews about a case pending before him, which includes a case on direct appeal that may, as here, appear before him again for further judgment. This categorical rule was explained eloquently by Judge Harry Edwards of the D.C. Circuit:

The Code of Conduct for United States Judges, states that “[a] judge should abstain from public comment about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to the judge’s direction and control.” The Canon allows a judge to “explain[] for public information the procedures of the court,” however, the Canon is clear in indicating that a *judge never may discuss the merits of a pending case in a non-judicial forum, especially when he has reason to know that the parties to the litigation may appear before him again for further judgment in the case.* Indeed, in my view, this principle is so straight-forward and unequivocal under the Code of Conduct *that its breach will almost always give rise to a legitimate claim for disqualification under section 455(a).*

The integrity of the judicial process would be seriously doubted if judges were free to air their views on pending cases outside of the appropriate judicial forum. *Whenever such an occurrence arises, a judge should recuse himself to protect the sanctity of the judicial process.* It does not matter whether the judge intends to act with bias or otherwise to prejudice the defendant. What matters is that there has been a breach of a code of conduct by an officer of the court such that the integrity of the process has been called into question. That is enough to warrant recusal.

In re Barry, 946 F.2d 913, 917–18 (D.C. Cir. 1991) (Edwards, J., dissenting) (emphasis in original) (footnotes and citations omitted). Judge Newman is not free to express his views on the merits of Mr. Murdaugh’s case outside of judicial proceedings. Because he did so, his recusal is required “to protect the sanctity of the judicial process.” *See also* Adams Aff. ¶ 7(A).

Although it is ordinarily inappropriate for a litigant to speculate about a judge’s subjective motives, here fairness requires Mr. Murdaugh to note that Judge Newman had good reason to believe his role in the murder trial was complete with the conclusion of the trial. Judge Newman

is retiring at the end of this year. He knew the direct appeal would not even be briefed before he left the office. In March and July, when he gave interviews, no one expected the suspension of the appeal for a trial-court evidentiary proceeding only a few months after the verdict. But as Thurgood Marshall often said, “Rules is rules,” even in circumstances where it seems they do not matter. *See* Spencer R. Crew, *Thurgood Marshall: A Life in American History* 156 (2019). Sometimes the unexpected happens. The rules governing judicial conduct codified in the Canons evolved over hundreds of years and reflect the accumulated experience of many generations of judges. Judge Newman’s public statements about this matter should have adhered to the Canons even after it seemed his role in this matter had ended. As Judge Edwards explained, Judge Newman’s intent in giving interviews is not relevant. All that matters “is that there has been a breach of a code of conduct by an officer of the court such that the integrity of the process has been called into question. That is enough to warrant recusal.” *In re Barry*, 946 F.2d at 918 (Edwards, J., dissenting).

E. Judge Newman is required to disqualify himself from hearing Mr. Murdaugh’s motion for a new trial.

“A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has a personal bias or prejudice concerning a party or a party’s lawyer,” Canon 3(E)(1)(a), CJC, Rule 501, SCACR. This Canon is universal in American jurisdictions. It calls for an objective inquiry: “The question is not whether the judge is impartial in fact. It is simply whether another, not knowing whether or not the judge is actually impartial, might reasonably question his impartiality, on the basis of all of the circumstances.” *Rice v. McKenzie*, 581 F.2d 1114, 1116 (4th Cir. 1978).

For the reasons set forth above, Judge Newman's expressions of personal bias during trial after the verdict was returned and his posttrial extrajudicial statements could cause a reasonable person to question his impartiality regarding Mr. Murdaugh. Judge Newman, after all, went on national television and said, "I cannot imagine him having a peaceful night knowing what he did." A reasonable person watching that could question whether he can impartially decide whether Mr. Murdaugh should get a new trial. Adams Aff. ¶ 7(A), (B).

II. MR. MURDAUGH HAS A RIGHT TO HAVE HIS CAUSE HEARD BY A JUDGE WHO IS NOT REQUIRED TO DISQUALIFY HIMSELF.

"A criminal defendant has a due process right to have his case heard by a fair and impartial judge." *State v. Langford*, 400 S.C. 421, 437, 735 S.E.2d 471, 479 (2012); *see also Schweiker v. McClure*, 456 U.S. 188, 195 (1982) ("[D]ue process demands impartiality on the part of those who function in judicial or quasi-judicial capacities."). A judge required to disqualify himself is not impartial. *See* Canon 3(B)(9), CJC, Rule 501, SCACR (disqualification required where a judge's impartiality might reasonably be questioned).

III. MR. MURDAUGH HAS NO EFFECTIVE LEGAL REMEDY TO VINDICATE HIS RIGHT OTHER THAN AN EXTRAORDINARY WRIT FROM THIS COURT.

A. If Judge Newman hears the motion for a new trial, his decision cannot be meaningfully reviewed for bias on appeal.

The usual remedy for an error by a trial judge is an appeal from a final order or judgment. Where bias is alleged, the appellant must show that the alleged bias is personal as distinguished from judicial, that it stems from extrajudicial sources, and that it results "in a decision on the merits based on considerations other than what the judge learned from his participation in the case." *Mallett v. Mallett*, 323 S.C. 141, 146, 473 S.E.2d 804, 808 (Ct. App. 1996).

Here, an appeal cannot protect Mr. Murdaugh's right to have his motion for a new trial heard by an impartial judge. Mr. Murdaugh's motion for a new trial will not be decided on legal

argument. Everyone presumably will agree that Ms. Hill's alleged conduct, if proven, is cause for a mistrial. The dispute will be what in fact happened. The presiding judge will decide that as the factfinder. There will be witnesses supporting Mr. Murdaugh's position (jurors who have provided affidavits to the defense) and at least one witness contradicting them (Ms. Hill) almost certainly joined by other witnesses. The dispositive factual findings will be based on weighing the relative credibility of witnesses. Those findings will be unreviewable on appeal:

The credibility of newly-discovered evidence offered in support of a motion for a new trial is a matter for determination by the circuit judge to whom it is offered. In him, not this court, resides the power to weigh such evidence; and his judgment thereabout will not be disturbed except for error of law or abuse of discretion.

State v. Mercer, 381 S.C. 149, 167, 672 S.E.2d 556, 565 (2009) (quoting *State v. Mayfield*, 235 S.C. 11, 34–35, 109 S.E.2d 716, 729 (1959)).

Even if the standard of review did not forbid appellate review of credibility determinations, it is impossible to show that a judge's credibility determination stems from extrajudicial sources or that it results "in a decision on the merits based on considerations other than what the judge learned from his participation in the case." *Cf. Mallett*, 323 S.C. at 146, 473 S.E.2d at 808. Determining credibility is a subjective process that is impossible to review but easily biased. *See* 81 Am. Jur. 2d Witnesses § 917 ("Witness credibility is a subjective, amorphous quality, often defined as much by the preconceptions of the persons who perceive the witness as by the witness's personal characteristics."). If the factfinder is a judge who has denounced Mr. Murdaugh on national television, the decision on the motion for a new trial will be unreviewable and forever suspect. The bell cannot be un-rung on appeal. Mr. Murdaugh's right to an impartial judge can only be preserved by prevention, not remediation, which is available only from this Court. *Cf. Ex parte Jones*, 160 S.C. 63, 158 S.E. at 137 (noting writs of prohibition are preventive, not remedial).

B. Only this Court has authority to determine whether a judge has violated the Code of Judicial Conduct.

Only this Court can determine that a judge has violated the Code of Judicial Conduct. Rule 27(e), RJDE, Rule 502, SCACR. Technically, Mr. Murdaugh must argue Judge Newman has engaged in “misconduct,” because this Court defines “misconduct” as “conduct by a judge constituting grounds for discipline,” which includes “violat[ing] . . . the Code of Judicial Conduct,” which, as explained above, Judge Newman did violate. Rules 2(t) & 7(a), RJDE, Rule 502, SCACR. Rule 502 of the South Carolina Appellate Court Rules provides a process for investigating and adjudicating complaints of judicial misconduct. But Mr. Murdaugh has no interest in any disciplinary action against Judge Newman. Mr. Murdaugh recognizes that Judge Newman is a distinguished and honorable jurist of outstanding character.


Mr. Murdaugh simply argues Judge Newman has violated certain rules governing judicial conduct, and consequently those rules and his own legal rights require Judge Newman’s disqualification from hearing his motion for a new trial. No court except this Court can prevent a circuit judge from hearing a particular cause on the basis of violations of the Code of Judicial Conduct. Thus, Mr. Murdaugh cannot vindicate his right to have his motion decided by a judge who has not violated the Code of Judicial Conduct regarding his case by any means except by process in the original jurisdiction of this Court.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court to issue a Writ of Prohibition in its original jurisdiction prohibiting the Honorable Clifton Newman, Circuit Court

Judge, from adjudicating Petitioner's motion for a new trial or presiding over future trials of indictments against Petitioner.⁴

Respectfully submitted,


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⁴ The grounds Mr. Murdaugh asserts for disqualifying Judge Newman from presiding over future trials are identical to the asserted grounds for disqualifying him from hearing the motion for a new trial, except that Judge Newman does not have personal knowledge of disputed facts regarding Mr. Murdaugh's financial crimes.

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EXHIBIT A

(Trial Transcript Excerpts)

COURT REPORTERS OF MEDIA
LUNA SHARKEY

1 2:51:21 p.m.

2 Q So, that's two days after Maggie Murdaugh was
3 murdered.

4 A Yes, sir.

5 Q And it took eight days to extract her phone.

6 A Yes, sir.

7 Q If it had been extracted in six days, would we have
8 this data for the night of the murder?

9 A It's possible. It appears it may be, yes, sir.

10 Q The -- those -- that latitude and longitude of the
11 oldest entry, do you know where that is?

12 A No, sir. I would have to plot it to know for sure.

13 Q Would you disagree with me if I said that that's a
14 SLED building, given the date?

15 A No, sir. I would -- I would say that most of these
16 are probably the SLED annex building in Columbia.

17 Q Okay, and it is. Yesterday you were asked some
18 questions about a Faraday bag, and there was some
19 discussion that often there's no real point if it's already
20 in airplane mode. But you said that one difference between
21 removing the SIM card or airplane mode and a Faraday bag
22 is that the Faraday would block GPS signals. Is that
23 correct?

24 A Yes, sir.

25 Q If this phone would have been placed in a Faraday bag

1 until whatever the GrayKey issues were could have been
2 resolved, would it have preserved GPS data?

3 A It should have. As long as the Faraday was not
4 defective and sealed properly, then it should have locked
5 GPS.

6 Q And then we would presumably have GPS data going back
7 to 6/7 or before.

8 A Yes, sir. I would imagine so in that timeframe, yes,
9 sir.

10 MR. BARBER: Beg the Court's indulgence.

11 (Break in proceedings.)

12 MR. BARBER: I apologize, Your Honor. Almost done. I
13 don't think I have offered this into evidence. I
14 apologize, Your Honor. I would offer this as Defendant's
15 Exhibit 45.

16 MR. CONRAD: Was that what he was just looking at?

17 MR. BARBER: Yes.

18 MR. CONRAD: No objection from the State.

19 THE COURT: Admitted without objection.

20 (DATABASE FROM M. MURDAUGH'S PHONE MARKED AS
21 DEFENDANT'S EXHIBIT NUMBER 45 WAS RECEIVED INTO EVIDENCE.)

22 Q One, I guess, final question. I said something we
23 would come back to, if I can. It's one of State's
24 exhibits. Do you have 284 up there?

25 A I have 283. Yes, sir, I have 284.

1 Q Okay. So, you sighted it in on March 6th?

2 A Yes, sir.

3 Q Okay. I'll take that back. When was the last time
4 you saw Paul in person?

5 A It would have been the weekend previous, or two
6 weekends previous to when everything happened. It was
7 Memorial weekend.

8 Q You saw him Memorial Day weekend?

9 A Yes, sir.

10 Q And where did you see him?

11 A We all stayed at the Edisto Beach house.

12 Q And when you say we all, who are you referring to?

13 A Me, myself, and three or four other buddies, along
14 with Alex, Maggie, and I believe that was it.

15 Q And did you spend a lot of time with Paul around his
16 dad and his mom?

17 A Yes, sir, I did.

18 Q And how would you describe Paul's relationship with
19 his father?

20 A It was an awesome relationship.

21 Q What do you mean by awesome?

22 A It just kind of seemed like Paul was the apple of his
23 eye.

24 Q Okay, and from your observations, would you tell the
25 jury what you observed of Alex's relationship with Maggie?

1 A I thought they had an awesome relationship as well
2 through everything that I can see. You know, they were
3 always laughing and everybody got along and it was --
4 nothing was out of the ordinary at all.

5 Q Did Maggie and Alex open their home up to Paul and
6 Buster's friends?

7 A Yes, they did.

8 Q How many people stayed at the Edisto Beach house that
9 Memorial Day weekend?

10 A I'm not 100 percent positive. At least three or four
11 friends.

12 Q And where did y'all stay?

13 A All in the bedrooms. I think somebody might have been
14 on the couch on the porch outside, maybe the couch inside
15 as well.

16 Q Okay. So, was Buster there?

17 A I believe Buster was there, but I'm not 100 percent
18 sure.

19 Q Did he have any of his friends there?

20 A Yet again, I'm not sure.

21 Q You mentioned that when you got a phone call from
22 Paul's cousin, I believe after midnight on June 7th or the
23 early morning of June the 8th, you learned what happened
24 and your immediate reaction was to hightail it out of
25 there?

1 THE COURT: First I want to address the ruling
2 yesterday overruling the objection by the defense to the
3 State's question of the witness on redirect as to whether
4 he was aware of certain things that had occurred earlier on
5 June 7th involving Mr. Murdaugh, or Murdaugh.

6 In the questioning, cross-examination of the witness
7 by Mr. Griffin, the witness was asked whether he could
8 think of any reason -- the gist of it, if he can think of
9 any reason possible why Mr. Murdaugh would commit the
10 crimes he is accused of committing. That, in effect,
11 turned the cross-examination of that witness from dealing
12 with the specific issues in the case to having that witness
13 testify as a character witness for Mr. Murdaugh. Among his
14 other areas in inquiry was his being a loving father, great
15 provider, financially secure, things of that nature, all
16 indicating an opinion by that witness as to the good
17 character of the defendant, either through direct
18 statements or circumstantially through the evidence that
19 was adduced from that witness. In the Court's view, that
20 opened the door for the State to respond by asking
21 questions as the State did, hence the Court overruled the
22 objection.

23 In addition to all of that, the objection was totally
24 inappropriate. As the Court laid out and reviewed with the
25 parties early in the trial, that objection should be made

1 and the legal basis stated. An objection of -- totally
2 inappropriate is, in the words of Judge Joe Anderson, in
3 effect, no objection at all. That's not a legal basis for
4 an objection. But that summarizes the basis for the
5 Court's ruling on that issue as to those questions
6 yesterday.

7 And that character type evidence was not only sought
8 by -- from Mr. Gibson, but also -- is it Loving? But also
9 Mr. Loving. And none of that really implicated rule 404 --
10 404B. Number one, it opened the door. Number two, it's
11 404A type reputation questioning that the State had a right
12 to respond to per the rule. And thirdly, it addressed an
13 issue raised in the case by the defense.

14 The defense in the case has primarily been the
15 defendant has such a great character that he could not
16 possibly have committed these offenses; that's been a
17 general thread from opening statement throughout. In
18 addition, the, the defense introduced through that witness,
19 which was also introduced through other testimony in the
20 case by the defendant, that the boating case was a reason
21 for the murders to have occurred, and by the defense
22 inquiring of the witness yesterday as to his knowledge and
23 belief concerning -- or his knowledge concerning the
24 boating case. That likewise opened the door for the State
25 to address that issue, and that is the basis for the

1 Court's ruling as to opening the door, introducing the
2 boating case, and reputation type evidence that the State
3 had a right to respond under Rule 403.

4 Yet to be addressed by the Court is Rule 404 issues,
5 and those issues will, to some degree, have to be addressed
6 *in camera*, and I'm wondering if the State has other
7 witnesses to testify as to other things, since we have the
8 jury here ready to go, prior to addressing other of
9 those -- any other --

10 MR. WATERS: Well, we do have a -- first of all, we do
11 have a Snapchat custodian who has flown in that we need to
12 get in so that person can make a flight. Based on how
13 things ended yesterday, I do -- I was prepared this
14 morning, we were planning on going forward with some of the
15 witnesses from the law firm, and that's going to -- there's
16 certainly stuff beyond 404, but that's also going to put
17 some of the 404 issues squarely into play. So, that's kind
18 of where we were planning to go this morning, Your Honor,
19 with the testimony that we have. I can certainly get some
20 more forensic people rolling. And I apologize if I sort of
21 misread what we needed to be ready to do, but that's kind
22 of what we focused on last night and are ready to address
23 this morning.

24 THE COURT: Yeah. Well, the Court didn't have a lot
25 of time to do jury planning issues and it might have, you

1 Q Can you identify any weapons found in the house at
2 Moselle that were loaded with buckshot and birdshot?

3 A No, sir.

4 Q Now, when you told Alex that there were multiple
5 weapons loaded with that same load, buckshot and birdshot,
6 was that an investigative tool, or were you just under the
7 misimpression that that was the case?

8 A Investigative tool.

9 Q So, you lied to him?

10 A I'm allowed to use trickery to illicit a response.

11 Q I understand. So, you were trying to trick him. You
12 agree?

13 A I'm allowed to use trickery to illicit a response,
14 yes.

15 Q And you're allowed to do it and you did it.

16 A Yes.

17 Q But you also testified under oath in front of the
18 State Grand jury. You said basically the same thing, that
19 there were four shotguns on the Moselle property and they
20 were loaded with buckshot and turkey load.

21 A Yes.

22 Q Now, were you mistaken then or were you trying to
23 trick the State Grand Jury?

24 A No. I was not trying to trick the State -- or trick
25 the State Grand Jury.

1 Q You were mistaken.

2 A No.

3 Q Well, did you not --

4 A The shotguns that we recovered from the house had two
5 different loads in them. They weren't

6 Winchester-Winchester, or Federal-Federal. They had
7 different loads in them. So, when I tell the State Grand
8 Jury there's different loads in the shotguns, there were
9 different loads in the shotgun.

10 Q So, you're saying you weren't telling them it was
11 buckshot and turkey key load, but you were telling them it
12 was just different brand names of the -- of something.

13 A I may have used buckshot and turkey load or birdshot,
14 but they were two different loads.

15 Q Well, I think we've established that you did not find
16 -- SLED did not find any weapons at the house with buckshot
17 and turkey load loaded in them, right?

18 A That is correct.

19 Q I'm going to show you page 48, line 7 through 14 of
20 your Statewide Grand Jury testimony. Agent Owen, do you
21 recognize that to be a copy of your State Grand Jury
22 testimony?

23 A Yes, I do.

24 Q And what date was that given?

25 A Tuesday, November 16, 2021.

1 Q All right, and if you'll go to the page I had open,
2 and I tell you I'm going to read the question. If you'll
3 read the response. It says at line 7:

4 All right, and were all of them to your
5 recollection loaded that -- like that?

6 And your answer was?

7 A They were -- they were located loaded in a
8 similar fashion, yes.

9 Q Question: In a similar fashion?

10 A Yes, sir.

11 Q Question: With one turkey load and one buckshot load.

12 A Response: Yes, sir.

13 Q All right. Thank you. And that was not accurate,
14 correct?

15 A Correct.

16 Q And people do make mistakes, do they not?

17 A Yes, they do make mistakes.

18 Q And people make mistakes about time frequently. Is
19 that right?

20 A I would believe that would be the most mistakes made
21 is time.

22 Q Okay, and here you were asked to identify
23 inconsistencies with Alex's statements to you, and the one
24 that you pointed out was times. Do you recall that?

25 A Well, the inconsistencies is they kept changing.

1 involved. So, yeah, we dealt with a lot of law enforcement
2 in the civil practice.

3 Q And then you also mentioned that you were a prosecutor
4 as well, correct?

5 A I was a volunteer assistant solicitor.

6 Q Did your -- did you or your family or your law firm
7 ever have events or parties or social affairs in which the
8 law enforcement community in this area was invited?

9 A Sure. We -- the law firm itself didn't really sponsor
10 things like that, but there would be occasions where one of
11 us in the law firm -- and certainly we all had a lot of
12 friends in law enforcement, and they were always invited.

13 Q And that -- it's a simple point. You had a lot of
14 friends in law enforcement; your family and you had a long
15 association with the law enforcement community in this
16 circuit. Is that correct?

17 A Association being friendships and working
18 relationships? Absolutely.

19 Q All right. Well, let's talk about being a prosecutor.
20 When did you become an assistant solicitor?

21 A I believe that I became an assistant solicitor when I
22 moved from Beaufort to Hampton. So, that would have been
23 September, sometime around September 1998. Might have been
24 a little bit after that, but sometime.

25 Q Did you get a badge when you became an assistant

1 solicitor?

2 A At some point I did, yes, sir.

3 Q And who gave you that badge?

4 A My father.

5 Q Mr. Randolph?

6 A Yes, sir.

7 Q And over the years, did you prosecute criminal cases
8 much as what's going on here today?

9 A Yes, sir, at times I did.

10 Q And --

11 A I believe that I prosecuted in -- from 1998 to 2001, I
12 believe that I --

13 Q 2001? Keep going. I'm sorry.

14 A I mean 2021, I'm sorry, until 2021. From 1998 to
15 2021, I believe I was involved in five jury -- I believe, I
16 believe there were five trials.

17 Q Five trials.

18 A Is the best that I can remember and all with my -- all
19 with my dad. That was really the purpose of me being
20 assistant solicitor was getting to spend time with him, do
21 things with him.

22 Q Sure, and you -- five jury trials over all that time,
23 you had a badge that entire time. Is that correct?

24 A I had a badge for a big part of that time, yes, sir.

25 Q You actually had two badges, right?

1 A I had one badge but my, my -- when my granddad became
2 an assistant solicitor for my dad when my dad became the
3 solicitor, he had an assistant solicitor's badge. When he
4 passed away, I had his badge and that was one of -- at some
5 point in time, you were asking somebody about two badges
6 and that was the other badge.

7 Q Okay. You said you did five criminal jury trials as a
8 prosecutor, correct?

9 A Assisted in those or was doing them, yes, sir.

10 Q Okay.

11 A I believe I was actually the lead lawyer in one of
12 them. I helped my dad in the other four.

13 Q Still a part of preparing the case?

14 A Yes, sir.

15 Q Still part, part of gathering the evidence and putting
16 it together for trial?

17 A In, in a criminal case, we didn't do much gathering of
18 the evidence. We took what law enforcement had gathered,
19 but...

20 Q But putting it, putting it together for
21 the criminal trial, correct?

22 A Yes, sir.

23 Q Presenting evidence in court.

24 A Yes, sir.

25 Q Giving jury argument.

1 A I didn't -- I, I did the closing argument in one of
2 them, yes, sir.

3 Q Did you ever have any cases that you prosecuted that
4 went short of a jury trial, either pled out or dismissed
5 for some reason?

6 A You know, I'm sure that at some point over -- between
7 1998 and 2021 that I took some plea. But as we sit here
8 today, I can't specifically remember that, and I don't ever
9 remember working a case up for trial that didn't go to
10 trial. But I'm sure at some point in time I was involved
11 in some level on a -- on a guilty plea or guilty pleas.

12 Q You'd agree with me that the civil system and the
13 criminal system have a lot of differences, correct?

14 A A lot of differences and a lot of similarities, I
15 agree with --

16 Q And a lot of similarities. That's where I was going
17 next. Fundamentally, it's about analyzing the evidence,
18 preparing for trial, presenting that case, and making the
19 argument to the jury, correct?

20 A That's, that's a big part of it.

21 Q And would you agree with me that as cases go on or as
22 you are preparing for trial, that you analyze the evidence
23 that's been gathered by law enforcement and present the
24 evidence that, that supports your case, correct? That's
25 just part of it.

1 just -- you know, I wasn't supposed to be there and then I
2 was.

3 Q When you say I wasn't supposed to be there, what do
4 you mean by that?

5 A I intended for him to -- I, I intended to be gone. I
6 intended for him to shoot me, and I intended to be gone.
7 And, and the one thing, the main -- my main concern at that
8 point was that I did not want Buster -- I did not want
9 Buster knowing that I had tried to do that. That was my
10 motivation in telling that story.

11 Q Did you eventually voluntarily convey to Agent Kelly
12 and others that that was a fabrication?

13 A I did. I did after, I don't know, a few days in, in
14 detox when I finally got over those initial -- just where I
15 could function, I think I told you first. Then I think I
16 told Buster. Then I think I told Randy and John, and y'all
17 arranged either the next day or two days later to come, and
18 we called Ryan Kelly.

19 Q Alex, you've lied to your family over many years, have
20 you not?

21 A I lied to my family about my addiction.

22 Q And you hid from them you were stealing client money,
23 did you not?

24 A Oh, I never -- they, they didn't know anything about
25 that.

1 about, you know, a particular juror that I've seen. And,
2 you know -- then again, we have not just, you know, one
3 source but now two, and I think that makes a difference,
4 Your Honor.

5 THE COURT: The email information that the clerk
6 showed me at lunch, did she take it back or do you still
7 have it or --

8 MR. HARPOOTLIAN: You mean the --

9 THE COURT: No, the other.

10 LAW CLERK: That might be on the desk.

11 THE COURT: Did you give it back to Becky or did I
12 keep it?

13 LAW CLERK: I think it's outside.

14 THE COURT: Okay. She -- after I showed you all this
15 email, we came back here, and the clerk came in and asked
16 whether we had heard the same thing about a juror, about
17 the juror, and we were in the midst of trying to figure out
18 who the juror was that this pertained to since it did not
19 indicate a juror number. It just said someone who worked
20 at the monkey farm. So, the clerk then said that she was
21 reading her Facebook messages over the weekend.

22 Gabby, help me out with the fact. Did she say over
23 the weekend?

24 LAW CLERK: She said on Friday she was going through
25 her timeline on Facebook and saw the post from this man who

1 was supposed to be the ex-husband.

2 THE COURT: Yeah. Timothy Stone, the ex-husband of
3 this juror, and he -- his post was that she was discussing
4 the case with various people. I think that's what Becky
5 said.

6 LAW CLERK: Correct.

7 THE COURT: We asked Becky to -- the clerk, to make a
8 copy, or get a copy of the Facebook that she was
9 referring -- the post that she was referring to. She came
10 back a little while later and said that it had been deleted
11 by this Timothy Stone, and that she brought -- printed out
12 what remains on his post, which is him stating that he --
13 he posted an ugly post yesterday which he deleted. He
14 says:

15 I kind of in a round about way directed it
16 towards a certain person, and I would like to
17 apologize to everyone who read it. That was ugly
18 for me to do that. And, yes, I let Satan control
19 me and I broke down and started drinking, and
20 when I was drunk, I made that post, and I'm
21 sorry.

22 So --

23 MR. MEADORS: That's a post that sounds like Mr.
24 Harpootlian.

25 MR. HARPOOTLIAN: I was about to say I got one just

1 like that.

2 THE COURT: So, this person is apparently this lady's
3 ex-husband. And then the other comments --

4 MR. HARPOOTLIAN: And he's deranged.

5 THE COURT: -- saying we'll pray for you and all that.
6 But the clerk said that she read the post where he was
7 discussing that his ex-wife, the juror, has been discussing
8 the case. Now, I -- it was just very curious. We were
9 talking about the email, and the clerk came in and was
10 talking about a the Facebook post, and they both -- and she
11 said the juror works at the monkey farm. I was here trying
12 to figure out what juror works at the monkey farm, and this
13 juror number 785 works with at Genesis General -- Alfa
14 Genesis, Yemassee, South Carolina, which is the monkey
15 farm. So, we looked that up and that's the monkey farm.

16 MR. HARPOOTLIAN: You can't make this stuff up.

17 MR. WATERS: I don't know what a monkey farm is, Your
18 Honor, but --

19 THE COURT: Yeah. Well, apparently it's designated as
20 a premiere primate research institute.

21 MR. HARPOOTLIAN: So, she works at the monkey farm.

22 THE COURT: Yeah.

23 MR. HARPOOTLIAN: Her ex-husband was taken over by
24 Satan at some point yesterday. I mean, this -- you can't
25 make this stuff up.

1 THE COURT: And the clerk -- the clerk said the juror
2 that they were posting about was a juror, [REDACTED], who
3 works at the monkey farm, and this email referenced the
4 juror who works at the monkey farm.

5 MR. GRIFFIN: Maybe just bring her in in the morning?

6 THE COURT: Yeah, or today. Of course, the clerk, you
7 know, I would want to hear directly from her because when
8 she had indicated that she read a Facebook post over the
9 weekend referencing this, this is Friday and she just
10 mentioned it today?

11 LAW CLERK: Correct. Yes, sir.

12 THE COURT: So, today is --

13 LAW CLERK: Today is Tuesday.

14 MR. HARPOOTLIAN: We can do it tonight. Is she still
15 here?

16 THE COURT: Yeah. All the jurors are still here. But
17 the -- this particular juror -- I mean, her name [REDACTED]
18 [REDACTED], who -- she wants to be anonymous. She says that her
19 coworker works with [REDACTED] -- this lady, [REDACTED],
20 works with [REDACTED] tenant, who is her coworker. Her
21 coworker is [REDACTED] tenant. That the -- [REDACTED]
22 apparently had to bring the tenant a refrigerator over the
23 weekend and told the -- her coworker that [REDACTED] spoke
24 to her about the case, and that's what she told her.

25 MR. HARPOOTLIAN: Well, she may have said not that

1 she told me that. I have, like I said, I have three
2 restraining orders against him. I wouldn't have anything
3 to do with him if I didn't have a child with him, but I
4 haven't seen him since 2014 when we got a divorce. I have
5 talked to him within the last year because I got a call at
6 work that my son was in jail and needed a ride home. And I
7 did call his father and ask him to go get him, which he did
8 not do. But other than that, I have not seen him, talked
9 to him, or anything else since 2014 other than getting
10 restraining orders in Colleton County, one in Orangeburg
11 County, and I have one in Berkeley County.

12 THE COURT: Wow.

13 JUROR: But Ms. Becky said she had went to look for
14 the post again and that it had been deleted, and I don't
15 know who she talked to or anything else, but she said
16 apparently --

17 THE COURT: When did she tell you that?

18 JUROR: It was after you let us go on that last break.
19 I was very upset, and she came down and talked to me and
20 said that apparently -- I don't know who talked to him, but
21 said that he was drunk and he removed the post.

22 THE COURT: So, has she discussed the case with any of
23 -- any of the jurors? Has the clerk discussed anything
24 about the case with anyone on that jury?

25 JUROR: Not that I'm aware of.

1 JUROR: They are going to bring me back to my car,
2 right?

3 THE COURT: They didn't leave you, did they?

4 JUROR: Yes.

5 THE COURT: Oh, they did?

6 LAW CLERK: No. I'll go get her to a bailiff, and
7 they'll go get her. I'll go down there to a bailiff --

8 JUROR: They left.

9 LAW CLERK: -- and make sure they get her home.

10 (Break in proceedings.)

11 JUROR: Y'all have a good night.

12 THE COURT: Okay.

13 MR. GRIFFIN: Bye.

14 (Juror 785 exited the room.)

15 THE COURT: Well.

16 MR. WATERS: I got a name now.

17 THE COURT: A name, [REDACTED], Bee Street.

18 Oh boy. I'm not too pleased about the clerk interrogating
19 a juror as opposed to coming to me and bringing it to me.

20 MR. GRIFFIN: I was surprised to hear that.

21 THE COURT: Yeah.

22 THE COURT: So.

23 (Break in proceedings.)

24 THE COURT: All right. We can go and talk jury
25 charges.

1 there. It could be inferred with two guns, malice
2 aforethought.

3 And we don't have premeditation in this state. We
4 don't have to prove premeditation. We don't have to prove
5 motive. I think it's been proven. His world was
6 collapsing. Mr. Griffin goes does that make sense? It
7 did in his mind. His world is collapsing; his world is
8 coming down. This was the only way he could save -- it's
9 the only way -- it's the only way he could save Alex. But
10 if you don't, if that motive -- well, I don't know, is
11 that enough? Is that enough? We don't have to prove
12 motive. We're certainly there. That's one explanation.
13 But if he's down there and he's angry -- this don't sound
14 like a real jovial --

15 Bubba, don't let me forget about, about Bubba.
16 Bubba, come here. Maybe he just got angry. Maybe he got
17 angry at Paul. Maybe he got angry. You know, we started
18 all of this with the boat case, and maybe he just lost it.
19 Maybe he just lost it. Maybe he wanted it to look like a
20 suicide, and then Maggie came and he had to shoot her. I
21 don't know. Only one person knows. And that's why we've
22 got the motive. That's why we say he did it. But we
23 don't even have to have motive. Just angry. He did it.
24 Nobody else could have done it; nobody else did do it.
25 I will get to that, and that's how we prove beyond, I want

1 Think about it. Well, it's just Rogan's word. Does that
2 make any sense? No, sir, I can handle that. He made a
3 mistake like Shelley did, like Blanca and the clothes.
4 No, sir. I can handle that, though. But when the video
5 comes out, he's stuck. He's stuck.

6 I'm going to try and wrap up. Yesterday morning at
7 2:53 in the morning -- I don't sleep much during trials,
8 but I kind of woke up, and what he did when he took the
9 stand was corroborated that he's a liar. He corroborated
10 the fact that he doesn't tell the truth, the one thing
11 that was more important than anything. And, you know,
12 they're putting these law enforcement on trial, talking
13 about blood evidence, talking about other things that were
14 presented to the grand jury, which you -- that blood
15 evidence was investigated, and the State didn't offer it.
16 That's what you do when you're a prosecution. Didn't try
17 to offer it. Now they're trying to put us on trial for
18 doing our job. Think about that. Blame everybody else.
19 Look, they've looked into this and it didn't turn out to
20 be, so now we're going to blame them. We didn't try to
21 present it. Isn't that ironic? They're now jamming us
22 for doing our job. Jamming us for doing our job. All the
23 evidence of the guns -- and I'm going to get to that in a
24 minute -- the timeline, the credible timeline, his lies,
25 all of that, the gunshot residue, all of that is

1 THE COURT: Madame Forelady and members of the jury,
2 I want to thank you on behalf of the citizens of the State
3 of South Carolina and your fellow citizens of Colleton
4 County. You did not volunteer for this service. You were
5 called upon by being summoned to appear, and providence
6 have brought you to this moment in time and these weeks in
7 time. I know that all of you have been here at a great
8 sacrifice, and particularly the juror whose job was on the
9 line until a miracle happened, I guess, that allowed him
10 to be able to stay rather than leave after two or three
11 weeks. But I want to thank each one of you all
12 individually and collectively.

13 It's not often that you're called upon to sit in
14 judgment of the actions of your fellow man, but you all
15 responded and you gave due consideration to the evidence.
16 I will make no comment now as to the extent of the
17 overwhelming nature of the evidence, but certainly the
18 verdict that you have reached is supported by the
19 evidence, circumstantial evidence, direct evidence, all of
20 the evidence pointing to only one conclusion, and that's
21 the conclusion that you all have reached. So, I applaud
22 you all for, as a group and as a unit and individually,
23 evaluating the evidence and coming to a proper conclusion
24 as you see -- as you saw the law, as you saw the facts.

25 Now that you've served, for the next year you're not

1 I will not make any comment with regard to any other
2 pending matter as I have been assigned those cases as
3 well.

4 It's also particularly troubling, Mr. Murdaugh,
5 because as a member of the legal community, and a well
6 known member of the legal community, you've practiced law
7 before me and we've seen each other at various occasions
8 throughout the years. And it was especially heartbreaking
9 for me to see you, to go in the media from being a
10 grieving father who lost a wife and a son to being the
11 person indicted and convicted of killing them. And you've
12 engaged in such duplicitous conduct here in the courtroom,
13 here on the witness stand, and as was established by the
14 testimony throughout the time leading from the time of the
15 indictment and prior to the indictment throughout the
16 trial to this moment in time.

17 Certainly you have no obligation to say anything
18 other than saying not guilty, and obviously, as appeals
19 are probably expected or absolutely expected, I would not
20 expect a confession of any kind. In fact, as I presided
21 over murder cases over the past twenty-two years, I have
22 yet to find a defendant who could go there, who could go
23 back to that moment in time when they decided to pull the
24 trigger or to otherwise murder someone. I have not been
25 able to get anyone, any defendant, even those who have

1 and lie throughout your testimony. And perhaps with all
2 of the people here, they for the most part all believe, or
3 80 or 90 percent -- 99 percent believe that you continued
4 to lie now with your statement of denial to the Court.
5 Perhaps you believe that it does not matter, that there is
6 nothing that could mitigate a sentence, given the crimes
7 that were committed.

8 You know, a notice of alibi was filed in this case by
9 counsel in November and we conducted a hearing, a pretrial
10 hearing in which you claimed to have been some place else
11 at the time the crime was committed. And then after all
12 of the witnesses placed you at the scene of the crime, at
13 the last minute, the last minutes or days you switched
14 courses and admitted to being there. And then that
15 necessitated more lies, and you continued to lie. I said
16 where will it end. It's already ended for many who have
17 heard you and conclude that it will never end, but within
18 your own soul, you have to deal with that.

19 And I know you have to see Paul and Maggie during the
20 nighttime when you're attempting to go to sleep. I'm sure
21 they come and visit you. I'm sure.

22 THE DEFENDANT: All day and every night.

23 THE COURT: I'm sure. And they will continue to do
24 so and reflect on the last time they looked you in the
25 eyes, and you looked the jury in the eyes. I don't know

1 quite a sacrifice, but there are other victims whose cases
2 deserve to be heard.

3 And this case has jumped some of those other cases,
4 perhaps jumped it because of the -- this case resulting in
5 an assault on the integrity of the judicial system in our
6 state and law enforcement in our state. Even during this
7 trial, the law enforcement has been maligned for the past
8 five or six weeks by one who had access to the wheels of
9 justice to be able to deflect the investigation. And as
10 the evidence has pointed out in this case, the looming
11 storm that Mr. Waters talked about, I can just imagine on
12 that day, June 7th, when a lawyer is confronted and
13 confesses to having stolen over a half a million dollars
14 from a client, and he has a tiger like Mark Tinsley on his
15 tail pursuing discovery in the case involving the death of
16 Mallory Beach, and having a father for the most part on
17 his death bed, I can imagine -- I really can't imagine. I
18 know there had to have been quite a bit going through your
19 mind on that day.

20 But amazingly, to have you come and testify that it
21 was just another ordinary day, that my wife and son and I
22 were out just enjoying life, not credible. Not
23 believable. You can convince yourself about it, but
24 obviously you have the inability to convince anyone else
25 about that. So, if you made any such arguments as a

1 lawyer, you would lose every case like that, cases you
2 will have -- never have the opportunity to argue anymore
3 except perhaps your own as you sit in the Department of
4 Corrections.

5 Anything further?

6 MR. HARPOOTLIAN: No, sir.

7 SENTENCE OF THE COURT

8 THE COURT: All right, Mr. Murdaugh, I sentence you
9 to the State Department of Corrections on each of the
10 murder indictments. In the murder of your wife, Maggie
11 Murdaugh, I sentence you for a term of the rest of your
12 natural life. For the murder of Paul Murdaugh, whom you
13 probably loved so much, I sentence you to prison for
14 murdering him for the rest of your natural life. Those
15 sentences will run consecutively. Under the statute
16 involving possession of a weapon during a violent crime,
17 there is no sentence where a life sentence is imposed on
18 the other indictments. That is the sentence of the Court,
19 and you are remanded to the State Department of
20 Corrections, and officers may carry forth on the --

21 MR. HARPOOTLIAN: Your Honor --

22 THE COURT: Yes, sir.

23 MR. HARPOOTLIAN: May we approach?

24 THE COURT: Yes.

25 (A bench conference was held.)

EXHIBIT B

(Cleveland State Interview Transcript)

LUNA SHARK OF MEDIA

~ March 28, 2023

CSULAW Grad Judge Clifton Newman, '76, speaks to
CSU College of Law. March 28, 2023.

[https://csuohio.hosted.panopto.com/Panopto/Pages/
Viewer.aspx?id=2d7f75e9-ca3d-463a-95da-afcf01554535](https://csuohio.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=2d7f75e9-ca3d-463a-95da-afcf01554535)

DEAN FISHER: Well, you-all got quiet quick. That's the power of a judge, right? And two judges to speak of. Welcome everyone, this is a great moment in the history of our law school because we have, I think it's fair to say, the best-known judge in the world right now with us.

You know, all too often we begin our programs -- much too often, I should say, with a moment of silence because of all the tragedies that are occurring almost every day. And we just had one in Nashville. Six people died, including three nine-year olds. So if we could just have a quick moment of silence in honor of these six innocent people.

(Moment of silence).

Thank you. First person I want to introduce today is the person who's going to give our official welcome, that is Dr. Laura Bloomberg

2

who is the eighth president of Cleveland State University.

Dr. Bloomberg is a nationally-recognized leader in public and global policy. She was provost and senior vice president for academic affairs before being appointed president of our university. She previously served eight years as dean and as associate dean of the Hubert Humphrey School of Public Affairs at the University of Minnesota and she has a 24 academic year -- academic year history and career at the University of Minnesota.

It's my honor to introduce to you president Laura Bloomberg.

DR. BLOOMBERG: Thank you, Dean Fisher, and welcome all of you from across the campus, students here at the law school, community partners, I love to see this room filled. I think that it is in many ways both a metaphor and the reality at the law school sits at the edge of our campus and I hope it feels like a welcoming beacon to the community for events like this.

Judge Newman, I am so delighted that you're here. I'm pretty glad to Judge Sheehan is here too. Both of you are remarkable jurists. Is

1 that good off for you, Brendan?

2 JUDGE SHEEHAN: Yeah.

3 DR. BLOOMBERG: I think everyone in
4 this room is familiar with the most recent trial
5 over which Judge Newman presided. I had the
6 opportunity to talk to him last night though and
7 it's remarkable to think that he has presided over
8 hundreds of trials. And he is known -- anybody who
9 watched any part of the news about Alex Murdaugh
10 trial heard something about the remarkable poise
11 and talent with which this judge presided over that
12 trial.

13 And I'm imagining -- and I imagine that
14 happening over hundreds of trials. And it makes me
15 burst with pride thinking that this alum of this
16 law school lives the motto of this school "learn
17 law, live justice". And it makes me so proud. I
18 want to just say something because I'm certain the
19 conversation is going to focus on this trial, so
20 I'm not going to say anything about this trial.

21 But I want to tell you just a little
22 that I've learned about the judge. Judge Newman
23 attended a segregated high school. And we talked
24 about this last night he played the part of an
25 attorney in the Briggs v. -- a reenactment of the

4

1 Briggs v. Elliott case, which is a precursor to
2 Brown v. Board of Education. And I said, did you
3 know you wanted to be a lawyer at that point? And
4 he said, well, it put the idea in my head, which
5 also has me thinking that all of us have the
6 potential to put the ideas in the heads of young
7 people that they can do something great in the
8 world.

9 The judge found his way to Cleveland
10 State University and has an undergraduate and, of
11 course, a JD from this institution. He met his
12 remarkable wife, who is here in the front row, Pat,
13 here at Cleveland State. Stand up, Pat. No,
14 Pat -- Pat, you guys stand up, turn around and
15 wave. You guys do this. Pat, you will also want
16 to know is a Glenville High School graduate, right,
17 so there you go. And you can ask her later the
18 story about how they met here on campus.

19 So for me personally, Judge Newman, and
20 on behalf of an exceptionally proud alma mater of
21 yours, I welcome you.

22 JUDGE NEWMAN: Thank you.

23 DEAN FISHER: Well, we have two judges
24 with us. Thank you, president Bloomberg. The
25 second best-known judge in the world is Brendan

1 Sheehan. Judge Sheehan is a member of our hall of
2 fame. He's also been an alumni of the year of our
3 alumni association. He is the administrative and
4 presiding judge of the Cuyahoga County Court of
5 Common Pleas. And with him today somewhere, but I
6 don't see her, is his wife --

7 JUDGE SHEEHAN: The smarter judge.

8 DEAN FISHER: Where is she?

9 PRESIDENT BLOOMBERG: Up here.

10 Dean Fisher: Upstairs?

11 JUDGE SHEEHAN: Upstairs.

12 DEAN FISHER: Judge Michelle Sheehan.

13 And I want to know -- known for the record that
14 Judge Michelle Sheehan was inducted into the hall
15 of fame a year earlier. She is on the Court of
16 Appeals.

17 JUDGE SHEEHAN: Great.

18 DEAN FISHER: Judge Sheehan is the
19 presiding judge of really the Common Pleas Court,
20 which has four different divisions. So all four
21 divisions have to agree on one judge, which is not
22 easy. That's is the general division, the probate
23 division, domestic relations and juvenile.

24 He's been on the Common Pleas bench
25 since 2009. As president Bloomberg indicated, he

6

1 received his law degree from our law school in
2 1994. And he has a master's in judicial studies
3 from the University of Reno, Nevada.

4 Prior to assuming the bench, Judge
5 Sheehan practiced as a civil and criminal litigator
6 for 14 years. And he served as a law clerk for
7 another member of our hall of fame, who is here
8 today, Federal Judge Don Nugent is here. Judge,
9 raise your hand, please.

10 JUDGE SHEEHAN: Oh, welcome.

11 DEAN FISHER: And Judge Sheehan was
12 also a county prosecutor for Cuyahoga County in the
13 major trial unit, so a very distinguished judge.

14 JUDGE SHEEHAN: Thanks.

15 DEAN FISHER: And now a little bit more
16 information about the most famous judge in the
17 world.

18 JUDGE SHEEHAN: There you go.

19 DEAN FISHER: As you know, of course,
20 because that's why you're here, he presided over
21 the recent trial and sentencing of former
22 South Carolina attorney and now convicted murderer,
23 Alex Murdaugh. Here, national plaudits, for his
24 even-handed demeanor throughout the trial and his
25 inciteful comments during the sentencing.

1 He was valedictorian of his high school
2 class. He was president of the student body here
3 at Cleveland State. So he's been a leader for a
4 long time. He also comes from a family from rural
5 South Carolina. In fact, he was the first person
6 in his family to be born in a hospital. He has
7 served as a defense attorney, a civil practitioner
8 and a prosecutor, but also practiced law here in
9 Cleveland, Ohio, from 1976 to 1982.

10 And in the year 2000, 23 years ago, the
11 state legislature which is how judges are appointed
12 in South Carolina, elected him to the Circuit
13 Court. And so for 23 years, he has been a
14 distinguished jurist and perhaps the most-known
15 judge in South Carolina. Why? Because it's not
16 easy to get cases assigned by the chief justice of
17 South Carolina, like the Murdaugh trial, like other
18 trials he's also handled. And perhaps we'll hear
19 about some of those other trials as well.

20 So now I want to leave it to Judge
21 Brendan Sheehan to interview and ask questions of
22 Judge Newman. And after about 30 minutes or so,
23 you'll be able to ask your questions as well.
24 Ladies and gentlemen, Judge Brendan Sheehan and
25 Judge Clifton Newman.

8

1 JUDGE SHEEHAN: First of all, I just
2 want you to know that I have 30 minutes and I'm on
3 the clock and Michelle has a card for me for when
4 to stop talking. First of all, good afternoon, and
5 I want to thank president Bloomberg and Dean Fisher
6 for inviting me to join you here today. I was so
7 honored when they called me and asked me to
8 moderate today's discussion here with Judge Newman.

9 Judge, you and I met about 12 years ago
10 in the campus of Ole Miss. We were taking a class
11 at the National Judicial Conference on Fourth
12 Amendment. And we bonded when we both realized we
13 were Cleveland Marshall graduates. And it's just
14 especially meaningful that we're both here now at
15 this law school for this discussion.

16 And I think Dean Fisher said it great,
17 I feel like I'm sitting next to the most popular
18 judge in America right now. So, Judge, it's an
19 honor. I know all of us are familiar with the
20 Murdaugh trial and I want to start this
21 conversation by just saying, you showed the world
22 an example of what the judiciary at its best can be
23 through your calm and your deliberate demeanor
24 throughout this lengthy and complex case. And I
25 just think that all of us should give him a round

1 of applause for that.

2 So, Judge, I have to ask: President
3 Bloomberg mentioned your career in high school
4 wanting to be a lawyer, what -- what was your path
5 to the bench in South Carolina, if you could tell
6 everyone?

7 JUDGE NEWMAN: Well, first, hello and
8 thank you. Is this on for me -- there we go.
9 Hello and thank you very much for the invitation.
10 It's an honor to have the pleasure of being here
11 today. As I look across the audience many friends,
12 and some family, folks, I've known a long time and
13 many of whom I haven't seen in a long time.

14 Cleveland State is -- has a special
15 place in my heart and when I was contacted by the
16 dean to come here today, I did not hesitate to say
17 yes. So thank you-all for inviting me and thank
18 you-all for taking your time to -- to come to be
19 with us. My path to the bench; is what you want to
20 know?

21 JUDGE SHEEHAN: Sure.

22 JUDGE NEWMAN: Well, my path to the
23 bench, oh, it's a long story, a 71-year-old path at
24 this point in time in my life. And I, you know,
25 became a judge 23 years ago. Here at Cleveland

10

1 State undergrad school I was pretty active in
2 student body matters, student government, Kappa
3 Alpha Psi fraternity and -- and had the opportunity
4 to go to law school and -- through the Legal
5 Careers Opportunity Program.

6 After practicing here for a period of
7 time, returned to South Carolina and as a
8 prosecutor and civil lawyer for 23 years and then
9 an opportunity came to apply to run for -- to
10 become a judge. We have a legislative screening
11 process in which the legislature elects judges.
12 And I've been elected and re-elected without
13 opposition in 2003 -- 2000/2003/2009/2015 and most
14 recently in 2021, all without opposition. So for
15 those judges who have to campaign, I feel for you.

16 JUDGE SHEEHAN: That's true. Judge,
17 you -- you met your wife we heard here in
18 Cleveland. Can you tell us briefly, since we know
19 that Pat was at the whole entire trial, front row,
20 can you tell us how you met Pat and was it a
21 Cleveland Marshall/Cleveland State merger? How did
22 it happen?

23 JUDGE NEWMAN: Well, it was a cold
24 January day here in Cleveland, snowing and almost
25 blizzard-like conditions. And I had a car, a 1963

1 Pontiac, and she didn't. And her friends didn't.
2 And they asked me to give them a ride home to
3 Glenville and even though I lived in Mount Pleasant
4 and I gave her a ride home, along with her friends.
5 Dropped everyone else off first and then took her
6 back to Saint Claire and 110th Street and we had an
7 opportunity to get to know each other.

8 And the end of that week, on Friday
9 night, we found ourselves at Shaker Square watching
10 the movie Love Story and -- and the rest --

11 JUDGE SHEEHAN: He's won the heart of
12 everyone here.

13 JUDGE NEWMAN: -- and the rest is
14 history.

15 JUDGE SHEEHAN: That's great. And --
16 and you have children. How many children do you
17 have?

18 JUDGE NEWMAN: I have four children.
19 We recently lost our son, youngest. We -- my
20 oldest is a mathematician, who was born here in
21 Cleveland. Has his master's from Chapel Hill,
22 undergrad from Northwestern.

23 The next person, Jocelyn, is a circuit
24 judge. She was elected six years ago to the bench.
25 And she is currently presiding over a murder trial

12

1 in South Carolina, the Greenville, South Carolina
2 area.

3 A daughter, who is a civil engineer,
4 who lives in Atlanta.

5 And my youngest, who is a lawyer and
6 youngest city council person ever elected to city
7 council in Columbia, South Carolina.

8 JUDGE SHEEHAN: That's amazing. So,
9 Judge, you -- so judges run in your family then; is
10 that correct?

11 JUDGE NEWMAN: Well, the two of us, I
12 guess, it runs in our family.

13 JUDGE SHEEHAN: So tell us a bit after
14 you graduated from Cleveland State, you then went
15 to Cleveland Marshall at the time and graduated
16 from Cleveland Marshall. You hung up your shingle
17 and practiced law here in Cleveland for a little
18 bit. Tell us about that practice. What did you do
19 and what kind of cases? Besides beating Judge
20 Nugent in a trial.

21 JUDGE NEWMAN: Well, I did have a
22 successful career as a litigator here. I formed a
23 partnership with Michael Belcher, Belcher & Newman
24 and we had a perfect record. We did not lose a
25 criminal trial. Of course, we pled everyone guilty

1 who they were obviously guilty, that was a guilty
2 plea, but the trials that we had, we were good --
3 good guy/bad guy. I played the role of the good
4 guy and he was the bad guy and we were successful.

5 I pretty much built a career around the
6 court system. I worked at Legal Aid Society while
7 in law school as a legal intern and could represent
8 people in consumer debt cases, uncontested divorces
9 and the like. After becoming a lawyer, I received
10 appointments from the Probate Court and -- and
11 those \$150 appointments from the Criminal Courts
12 for handling guilty pleas. And appointments from
13 the Bankruptcy Court and had family and friends and
14 just basically developed a law practice, which
15 was -- which we were proud of for the period of
16 time that we were here together.

17 JUDGE SHEEHAN: That's great. So what
18 you took you back then to South Carolina? You're
19 practicing law here in Cleveland, what -- what made
20 you made you go back to South Carolina?

21 JUDGE NEWMAN: The day after becoming
22 -- or the month of the year after becoming a
23 lawyer, I -- I bought a house on 87th Street off
24 from Cedar. And the -- and the schools in the --
25 around the area, you know, were -- you know, the

14

1 schools were not that great. And then a bussing
2 decision came out by Judge Batista ordering bussing
3 of the students to the west side from the east side
4 and vice versa. Pat and I didn't want our child
5 bussed and we weren't comfortable with the
6 environment surrounding the neighborhood we were
7 living in and rather than joining our friends in
8 Warrensville and other areas that were an option
9 for perhaps to move in, we decided to leave town
10 altogether and go back to my home state of
11 South Carolina, which I thought would be a great
12 place to raise a family and that's why we left.

13 JUDGE SHEEHAN: Well, you spent two
14 decades in South Carolina then practicing law.
15 What kind of law did you practice in South Carolina
16 before becoming a judge?

17 JUDGE NEWMAN: I started as a criminal
18 defense lawyer in South Carolina and -- and won a
19 rather big case there as a criminal defense
20 attorney. And the prosecutor on the other side
21 then decide to offer me a job to join forces with
22 him rather than being --

23 JUDGE SHEEHAN: He recognized talent.

24 JUDGE NEWMAN: -- and, yeah, so that was
25 the year after I returned back to South Carolina.

1 And, of course, always good to have the type of job
2 where you have insurance, government-provided
3 insurance. So I practiced law and also, you know,
4 at that time we only had three weeks of court,
5 criminal court per year, so it was considered a
6 part-time job. And I had a full-time practice in
7 criminal prosecution and I did that for 17 years
8 until becoming a judge.

9 JUDGE SHEEHAN: I'd like to read a
10 quote here, this is from the Index Journal in
11 Greenwood, South Carolina. And I think it
12 demonstrates your professionalism and your demeanor
13 as an attorney. Listen to this: "There was a
14 disruption in a courtroom involving a defendant who
15 is on trial -- are you recalling this case as I
16 keep going here?"

17 JUDGE NEWMAN: Yes, I do.

18 JUDGE SHEEHAN: "This disruption was a
19 man on trial for the murder, while he was on trial
20 he made a weapon out of a toothbrush and a razor,
21 he slashed his attorney in the face, stabbed a
22 deputy and Judge Newman was the prosecutor on that
23 trial. He successfully argued against a mistrial
24 on that case". How did you do that?

25 JUDGE NEWMAN: Yeah, the other part of

16

1 it is that he slashed his attorney, stabbed a
2 deputy and -- and was headed to -- toward me, who
3 was -- who was cross-examining a witness at the
4 time. And fortunately there was another deputy,
5 who -- who kicked him in the face and knocked him
6 back and we were able to -- they were then able to
7 subdue him.

8 Of course that -- ambulances were
9 called to treat the lawyer, who had been slashed,
10 and that made it difficult to proceed with the
11 court trial for that day. But I argued to the
12 judge that, Judge, you cannot allow a defendant to
13 take over the courtroom. You cannot allow a
14 defendant to create a mistrial through their bad
15 conduct.

16 So it became an issue for the jury and
17 we had to bring the jurors in one-by-one and pose a
18 question to them "now despite what you have seen,
19 can you still be fair and impartial to this
20 defendant?" And all except two -- we had 14, and
21 all except two said that they could be fair and
22 impartial. You know, they gave the right answer,
23 so the trial continued.

24 JUDGE SHEEHAN: You know, just a side
25 note, I mentioned this to him last night and he --

1 Pat, his wife, asked "how was your day today?"

2 "Oh, it was fine, no biggie".

3 JUDGE NEWMAN: Yeah, you know, well,
4 things happen in court.

5 JUDGE SHEEHAN: Just crazy. So, Judge,
6 we know the Murdaugh trial. Before the Murdaugh
7 trial, you've handled a lot of high-profile cases
8 in South Carolina. Can you just give the audience
9 a couple of those cases, so they your -- what kind
10 of trials you've handled before this one?

11 JUDGE NEWMAN: Well, most recently I
12 presided over the police shooting case in
13 Charleston where a -- Walter Scott was shot in the
14 back by Michael Slager while running away in
15 North Charleston. And -- so that was a pretty-high
16 profile case, police shooting case, which ended in
17 a hung jury of all things. He later pled guilty in
18 Federal Court and received a 20-year sentence.

19 Last year I presided over a trial
20 called "the fake Uber trial" where a couple of
21 years ago a woman called for an Uber and a car
22 showed up that she thought was her Uber driver and
23 she got in the back of the car and -- and she was
24 being kidnapped without knowing it. And it wasn't
25 an Uber driver, someone pretending to be. She was

18

1 savagely killed, body mutilated. And the defendant
2 was apprehended the next day and put on trial and
3 he was convicted. The -- that spurred a lot of
4 public interest regarding the safety of people
5 ordering Uber --

6 JUDGE SHEEHAN: Yeah.

7 JUDGE NEWMAN: -- Ubers and requiring
8 identification of the drivers and a lot of other
9 things. And some national legislation came out of
10 it changing law and policy regarding Ubers and
11 other-type drivers.

12 JUDGE SHEEHAN: Interesting. You know,
13 in Ohio we randomly cases get assigned to judges.
14 So when someone is charged with a case and it
15 randomly gets assigned to that judge in Common
16 Pleas Court 34 judges, one of 34 could get a case.
17 How did the Murdaugh trial get assigned to you and
18 how does that process work in South Carolina?

19 JUDGE NEWMAN: Our chief justice of the
20 Supreme Court has discretionary authority to assign
21 judges in complex cases, high-profile cases, cases
22 where many of the local judges might have conflicts
23 of interests due to relationships with the families
24 or knowledge of the defendant, such that they
25 cannot be fair and impartial.

1 So I was tapped to take on this case,
2 it was -- came at a time where the integrity of the
3 judiciary was being threatened and the trust of
4 lawyers was at a -- you know, was being threatened
5 as well. So the chief called and said, will I take
6 it, I'm putting you on it. And I said, okay, bring
7 it on.

8 JUDGE SHEEHAN: Bring it on. Did you
9 know or did you think the Murdaugh trial would be
10 so captivating to people beyond of South Carolina
11 or did you not anticipate that or did you know?

12 JUDGE NEWMAN: I honestly did not
13 anticipate that. You know, I've done many cases,
14 certainly that was -- it was an important case, but
15 all cases are. Any case where you have a murder --
16 someone murdered or savagely beaten, it's
17 important. Important for the communities and
18 important for certainly the victims and families.
19 And -- and this was another example of that.

20 It had the added notoriety because it
21 involved a lawyer. A lawyer who had been accused
22 of stealing money from clients, over -- over
23 \$8 million from any number of clients. A lawyer
24 who admittedly was strung out on drugs and more
25 than anything else, a man who's accused of killing

20

1 his wife and his son.

2 JUDGE SHEEHAN: Hmm.

3 JUDGE NEWMAN: And despite that types
4 -- those types of facts that would certainly make
5 folks interested, I believe that when I decided to
6 make the entire process open to the public and open
7 to the media and broadcast wherever they needed to
8 be or it would be broadcast, that opened it -- made
9 it available to everyone nationwide and worldwide.

10 Of course, I could not -- I wasn't
11 experiencing any of that, I was simply a judge in a
12 trial doing my job, as I've done repeatedly over
13 the years. And the interest and notoriety that was
14 taking place all around was not -- had no affect on
15 me because I was engaged in the process of what I
16 had to do.

17 JUDGE SHEEHAN: Well, I know we saw
18 from the courtroom, that courtroom held 250 people
19 audience-wise. And -- and that -- the well of that
20 courtroom was so small. The way you handled the
21 media and how -- what was -- how did you, as
22 presiding over this and in pretrial dealings with
23 this, how did you handle that? And did you have
24 any assistance or was there any plans in place for
25 that?

1 JUDGE NEWMAN: Yes. Well, having dealt
2 with other high-profile cases, I know that the
3 media will not be satisfied unless they are able to
4 have access to -- to public information. But it
5 took a lot of planning to ensure that the presence
6 of the media did not have any impact on the
7 proceedings.

8 Jurors -- the cameras were hidden to
9 the extent they could be, they were all directed
10 away from the jury. Jurors cannot be photographed
11 at any time. They cannot have any -- any equipment
12 that made any type noise. And we had a pretty
13 tight reign on the media and I pointed a media
14 liaison person and who was experienced in media in
15 many matters, challenging earlier decisions. And
16 -- and I said, well, you come and help us rather
17 than spending your time complaining about things.
18 So he volunteered to be a media liaison and
19 problems for the media -- or with the media, would
20 be addressed to him and then he can come talk to me
21 about it.

22 JUDGE SHEEHAN: Great. I mean, it was
23 just the masterful on how you were able to -- the
24 sensitive evidence and the photographs, how it was
25 able to be away from the media. And I -- it was

22

1 amazing how you did that and I just give you -- I
2 mean, that just tells you a plan and publicity was
3 key to --

4 JUDGE NEWMAN: Well, yeah, in any case
5 where you have gruesome photographs and horrific
6 pictures and all, the judge has to make a decision
7 as to whether exposing the jury to those type --
8 that type evidence would affect their ability to be
9 fair and impartial. And the parties agreed not --
10 just because of the gruesome nature of the
11 photographs, maybe affecting the jury, but also
12 violating the privacy rights of the victim and the
13 victim's family. They have victim's rights and
14 have a right to not have their family members
15 mutilated bodies exposed to a jury or on -- on
16 national television.

17 JUDGE SHEEHAN: Wow. You know -- I've
18 -- I've got a few questions here, but one -- one
19 thing that I really want to ask, you know, in Ohio
20 we do jury views usually in the beginning of a
21 trial. In this case, there was a jury view done at
22 the end of the trial. Is there a reason for that?
23 Or is there any explanation or is this how things
24 are done in South Carolina or...

25 JUDGE NEWMAN: Well, when lawyers asked

1 for a view -- a jury view, it's always
2 discretionary with the judge. And it's usually
3 upon motion, motion of the parties to have the jury
4 go out and check out the scene. It's not something
5 done that often. I think I've probably had five
6 jury views in 22 years. The lawyers in this case
7 at the outset indicated that they might want to
8 have a jury view, but they made no formal motion.
9 As the anticipated three-week trial entered six
10 weeks --

11 JUDGE SHEEHAN: Yeah.

12 JUDGE NEWMAN: -- entered into six
13 weeks, I'm like I sure hope they don't ask to go
14 out to that scene --

15 JUDGE SHEEHAN: Oops.

16 JUDGE NEWMAN: -- but at the end of the
17 trial they requested it and -- and I agreed. We
18 had all law enforcement go out and secure the scene
19 to ensure that was -- there was no media there
20 while the jurors would be there. The jurors were
21 given strict instructions not to discuss the case
22 with each other. And if they had any questions to
23 ask me and I was there -- Pat was there as well.

24 JUDGE SHEEHAN: All right.

25 JUDGE NEWMAN: They couldn't ask her,

24

1 but they could ask me if they had any questions and
2 they -- and they did. They wanted to see this
3 evidence referred to or locations referred to and
4 that location and I -- I -- it ended up I thought
5 being helpful to the prosecution and not to the
6 defense, though requested by the defense. But
7 under normal circumstances, it's -- I don't know a
8 best time for a jury to be taken to the -- to a
9 view --

10 JUDGE SHEEHAN: Yeah.

11 JUDGE NEWMAN: -- there are some who
12 says, well, how can a jury -- and what kind of
13 disruption would that cause to take the jury to
14 this location of a murder? I mean, such as taking
15 a jury some place out here in Auklet Avenue or to a
16 house in a neighborhood, what kind of disruption
17 that might be. But this murder scene was a remote
18 area, remote, remote area and it was easy for law
19 enforcement to secure the scene and for the jurors
20 to go out and -- and reflect on what they had been
21 told through the testimony and shown through the
22 testimony through pictures and videos to kind of
23 look it at for themselves.

24 JUDGE SHEEHAN: Interesting. Judge,
25 speaking of the jurors, I mean, I can't even

1 imagine picking a jury panel for this. How -- how
2 many perspective jurors did you have and -- and how
3 long did it take you to select this jury? And how
4 many alternates did you have?

5 JUDGE NEWMAN: We summoned 750 citizens
6 to come to serve on the jury duty to -- we
7 anticipated it would be very difficult since the
8 defendant came from a prominent family, very
9 well-known for generations. And so we -- we -- we
10 needed enough to get 12 jurors. And the parties
11 agreed to have six alternates, so that's 18 jurors.

12 We did not have lawyer-involved voir
13 dire in South Carolina. The judge qualifies the
14 jury. The judge asks the questions. The lawyers
15 don't question the jurors. And, of course, I had
16 that experience of participating in voir dire
17 during my years of practice here in Cleveland, but
18 there the judges handle all of that.

19 The lawyers can submit to questions and
20 we sent out a questionnaire to all the jurors,
21 placed them under oath in answering those questions
22 to help -- and the lawyers formulated the
23 questionnaire to be sent to the jurors, so that
24 they could spend time doing some research on the
25 perspective jurors.

26

1 But because we have no lawyer-involved
2 voir dire, we selected a jury in three days out of
3 -- out of those 750 people who came.

4 JUDGE SHEEHAN: Wow. And did you get
5 through all six alternate jurors?

6 JUDGE NEWMAN: Well, during the course
7 of the trial, we had a few jurors got -- well,
8 tested positive for COVID. We had to address that
9 issue and brought in a doctor to test all of the
10 jurors and other court staff regarding COVID.

11 We had one juror who called and said he
12 was at the emergency room and -- and didn't tell us
13 what his problem was, but -- so we picked an
14 alternate. Of course, he showed up the next day as
15 if he would just continue on with the trial. So we
16 had to let him go. And during the process we -- we
17 ended up with one alternate. We -- we used five of
18 the six alternates.

19 JUDGE SHEEHAN: Wow.

20 JUDGE NEWMAN: But my experience with
21 jurors is that once they start hearing a case and
22 start serving, they get committed to the case.
23 They -- their sense of public responsibility and
24 their investment in it, they hate to get off a jury
25 once they've gotten on it and spent a lot of time

1 listening to the case.

2 JUDGE SHEEHAN: We'll ask -- somebody
3 will ask about the eggs and the juror who wanted to
4 get her eggs after she was excused later on that.
5 There's a good story about that, correct?

6 JUDGE NEWMAN: Oh, yeah.

7 JUDGE SHEEHAN: The jury deliberated
8 for just three hours. Did that surprise you before
9 they reached their verdict?

10 JUDGE NEWMAN: Well, nothing surprises
11 me when it comes to court and cases really, you
12 just never know. These are people, they're
13 strangers to me, strangers to each other. And --
14 and they're sitting -- it could be 12 of you on
15 that jury and how would I know what you're
16 thinking --

17 JUDGE SHEEHAN: Yeah.

18 JUDGE NEWMAN: -- you're just listening
19 and digesting it all. But my experience is when
20 jurors have sat and listened to something for six
21 weeks, over 800 exhibits presented, when they go
22 back to deliberate, they don't want to look at
23 those 800 exhibits. They don't want to spend their
24 time combing through everything that they have
25 laborious sat there and listened to for that period

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1 of time. And, you know, it took them about three
2 hours and that's about normal, as far as I'm
3 concerned.

4 JUDGE SHEEHAN: Well, here I have to
5 ask, I -- I watched the sentencing and this was a
6 person who practiced law in front of you. Did that
7 make it any more difficult for you as the judge
8 sentencing him after you knew him and he practiced
9 in front of you?

10 JUDGE NEWMAN: Well, being from a small
11 rural community and being in a -- from a relatively
12 small state, I -- I've had to handle cases where I
13 knew the person who was accused or -- or knew the
14 victims. And, you know, judges have to make an
15 individual determination as to where -- whether
16 they can be fair and impartial --

17 JUDGE SHEEHAN: Yeah.

18 JUDGE NEWMAN: -- but my test is not
19 whether I know the person or knew of the person, it
20 has to be whether my knowledge of them would affect
21 my ability to be fair and impartial. And -- and we
22 weren't personal friends or -- but since he was
23 from a popular firm and a popular lawyer, all
24 judges -- every judge in the state either knew him
25 or knew of him. And it -- when it came to

1 sentencing, the fact that I -- I knew him, of
2 course, when you go through a trial, a murder trial
3 or a long trial, you always know the defendant by
4 the time you get to the end. That's someone who's
5 been there with you for a long period of time, so
6 whether you knew them beforehand or not, by the
7 time you get to that point, you sort of know that
8 person. But it did not affect me as far as
9 rendering the sentence that I did --

10 JUDGE SHEEHAN: Let's talk about that
11 sentence. I mean, that was -- usually there's
12 usually 30 days before you have a sentencing
13 hearing and a pre-sentence investigation. Tell us
14 what -- what happened at that sentencing and how
15 did that all come about? Because the verdict was
16 this day and the next day was the sentencing, so
17 tell us how that happened.

18 JUDGE NEWMAN: The verdict was Thursday
19 night around 7:00 PM and, you know, we were all
20 pretty exhausted by that time, so I'm anticipating
21 that the lawyers would want some time to prepare
22 for sentencing. And -- and I was prepared to wait
23 for whatever period of time it would have taken
24 to -- for a pre-sentence investigation and report
25 to be provided to me.

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1 So when I asked the lawyers "how long
2 would it take, when would you-all be ready?" And
3 they said 9:30 tomorrow morning. So we -- we have
4 no mandatory requirement of getting a pre-sentence
5 investigation. Of course, I didn't think I really
6 needed one, but I was giving them that opportunity
7 to -- to -- to present whatever mitigation evidence
8 they wanted.

9 And they said they'd be ready the next
10 morning. Of course, they all were working out of
11 town from their home location and had been away
12 from home for six weeks and I think they all were
13 ready to kind of get the case over with. So -- so
14 they said they would be ready at 9:30 the next
15 morning. And 9:30 the next morning I'm then
16 prepared to hear what the lawyers have to tell me
17 and whatever person they have to say something,
18 including family members, friends, whatever and
19 they told me nothing, they had nothing to say,
20 nothing to present. So I'm left at a situation,
21 okay, well, what do you have to say asking the
22 defendant.

23 JUDGE SHEEHAN: But did you have notes
24 or anything prepared for this at this time?

25 JUDGE NEWMAN: No.

1 JUDGE SHEEHAN: Nothing? All right.
2 So the prosecution presents nothing. The defense
3 offers nothing. So what do you do?

4 JUDGE NEWMAN: Well, I'll take it all
5 the way back to law school and I could go through a
6 semester and end up with a page-and-a-half of
7 notes. I've never been a great note-taker. I've
8 just been engaged in everything at the moment in
9 trying to perform without having to do something
10 scripted, like your questions are scripted right
11 there.

12 JUDGE SHEEHAN: All scripted. I only
13 have 30 minutes here, come on.

14 JUDGE NEWMAN: I have my notes, I try
15 not to be scripted. So, no, I -- I'm just focused
16 in the moment and trying to absorb everything
17 that's involved in this case and this process. And
18 trying to make the proper determination at a given
19 point in time.

20 So here we are and he's standing before
21 me to be sentenced for having been convicted of a
22 double murder and -- and basically he told me he
23 had nothing to say either, other than "it wasn't
24 me".

25 JUDGE SHEEHAN: Boy, your comments were

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1 just so appropriate at that time. And I just think
2 that the community, the world watched that and just
3 thought, wow, this judge has it together. And I
4 was just amazed that -- I mean, I know that
5 everyone has heard what you said, but I mean, just
6 in -- in the one comments referring to the shooting
7 deaths, "within your own soul, you have to deal
8 with that and I know that you have to see Paul and
9 Maggie during nighttime when you're attempting to
10 go to sleep and I'm sure they'll come and visit
11 you." And he responds "all day and every night".
12 And then you say "and they will continue to do so
13 and reflect on the last time they looked in your
14 eyes". And I was just like, wow, and then you went
15 right to the sentencing. And it was just amazing
16 the way you handled it, was just unbelievable and
17 -- go ahead.

18 JUDGE NEWMAN: Yeah, well, the -- a
19 person who kills another person, I'm told that the
20 person who is killed will haunt, will come back.
21 And -- and they'll never be able to get over the
22 moment and time they took that person's life. Now,
23 whether that's a spiritual belief or -- or just my
24 view of the world, it's also the subject of a
25 barbershop conversation one day when -- when a

1 customer was arguing to the barber saying that if
2 you kill a man, he will haunt you, he'll come back
3 and you'll never be able to get that person out of
4 your mind. So -- and we don't have any convicted
5 murders here; do we?

6 JUDGE SHEEHAN: I don't think so.

7 JUDGE NEWMAN: So we don't have the
8 actual experience of knowing whether that's true or
9 not. But I posed that question to him and -- and
10 in my mind, no doubt he loved his family, I don't
11 believe that -- that he hated his wife. And
12 certainly I did not believe that he did not love
13 his son, but he committed an unforgivable,
14 unimaginable crime and there's no way that he'll be
15 able to sleep peacefully given those facts.

16 JUDGE SHEEHAN: There's certainly going
17 to be a movie and a miniseries about this and I was
18 joking with the judge and his wife, who do you
19 think will play you? And I was thinking Morgan
20 Freeman, right? And he looked at me and said, no,
21 he's too old. And his wife said more maybe Denzel
22 Washington and he was more into that. Who do you
23 think would play you in a movie?

24 JUDGE NEWMAN: Oh, boy, and Judge
25 Nugent said I should play myself.

34

1 JUDGE SHEEHAN: There you go, right?
2 There you go.

3 JUDGE NEWMAN: I don't know. This
4 story is being -- is continuing to be written. I
5 would never -- never would have thought that I
6 would be involved in a case that would have
7 gathered -- garnered so much notoriety that it
8 would be something that would be talked about
9 nationwide. I've received letters from all over
10 the world about this case. It's really been truly
11 amazing.

12 So I don't know what the future holds
13 as far as movies or anything else. I do know that
14 we have mandatory retirement in South Carolina at
15 the age of 72 and I turn 72 in November. So I'll
16 be looking for something else to do.

17 JUDGE SHEEHAN: I love it. Well, and
18 listen, this is the part where we open it up to the
19 audience. I'm sure a lot of you have questions,
20 but I just want to remind everyone that the case is
21 still on appeal and there's some additional
22 criminal matters that the judge will have to
23 handle. So he may be restrained from answering
24 some of those comments or some of those questions.
25 But I want to remind everybody that Pat is here and

1 she can answer them if he can't. So talk to Pat at
2 the end.

3 So with that, I'm going to open it up.
4 But, Judge, are you ready for this?

5 JUDGE NEWMAN: Sure.

6 UNKNOWN SPEAKER: Honorable Newman,
7 thank you for coming here. Out of all that you've
8 been through and all your years, what did you learn
9 from that case?

10 JUDGE NEWMAN: Well, that humanity is
11 -- is a difficult thing and the mysteries of human
12 life, it's hard to -- to predict what a human might
13 do, particularly when they are involved with drugs.
14 That's just a sad reality that we all have to deal
15 with and not that I learned that from this -- from
16 that case, but something that sticks with me.

17 UNKNOWN SPEAKER: Hi. So I just wanted
18 to know about your time in law school and overall
19 how you decided to be a judge and that experience?

20 JUDGE NEWMAN: Well, when I was in law
21 school here at Cleveland State this building did
22 not exist. We had classes over on 23rd and
23 Chester, there's a building over there and that --
24 that was law school for me. And it's a challenging
25 experience. One, I can never get a questioned

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1 answered properly, whenever the professor asked a
2 question and I attempted to answer, it never was
3 quite right, there was always something wrong with
4 my answer. So I'll always remember that from law
5 school.

6 I -- I want to mention while I have
7 this moment in answering that question, that the
8 other person here who knows perhaps more about this
9 law school and Cleveland State than me, is my
10 brother who is here. Lloyd, if you would stand.

11 JUDGE SHEEHAN: All right. That's
12 great.

13 JUDGE NEWMAN: And Lloyd doesn't look
14 like a lawyer or anything like that, but he was a
15 custodian here at Cleveland State for 44 years.

16 JUDGE SHEEHAN: Wow, that's awesome.

17 JUDGE NEWMAN: And retired last year
18 and he knows every nook and cranny about all these
19 buildings.

20 JUDGE SHEEHAN: I love it.

21 UNKNOWN SPEAKER: Thank you so much for
22 your fantastic talk. This is actually an
23 interesting follow-up to that question. As law
24 students, are there experiences that you had that
25 helped prepare you, I guess, for the role that you

1 have now that we might be able to take advantage
2 of?

3 JUDGE NEWMAN: Well, I wrote down what
4 the president mentioned, president Bloomberg says
5 that the motto of the school is "learn law, live
6 justice", I mean, those are powerful words. And I
7 didn't know that was the -- the motto, but that's a
8 motto I've lived by. I learned the law and lived
9 justice.

10 And the thing that -- that's -- I
11 always endeavor to do and -- and that was taught to
12 me in law school and immediately after law school
13 is that after you learn the law and all the
14 technology -- technical aspects of it, then you
15 have to be able to translate all of that into
16 everyday language when you're dealing with -- with
17 people, when you're dealing with the jury, you
18 can't just go there and start telling the jury
19 about *res ipsa loquitur* and all of that; they
20 wouldn't know what you're talking about.

21 So you have to be able to translate it
22 all into everyday meaning and everyday language.
23 And so whenever I am addressing anyone in court in
24 a jury, lawyers, otherwise, and -- and some folks
25 picked upon -- picked up on this from this trial is

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1 that I endeavor to explain everything so that
2 everyone can understand what I'm talking about.
3 Not in any technical legal terms, even though it's
4 grounded in the law, but to be able to communicate
5 it through everyday language.

6 JUDGE SHEEHAN: That's great.

7 UNKNOWN SPEAKER: Hi, I have a question
8 for our Court TV Facebook group, we know that the
9 Murdaughs --

10 JUDGE NEWMAN: A question from who?

11 UNKNOWN SPEAKER: From our Facebook
12 group.

13 JUDGE NEWMAN: Facebook group, okay.

14 JUDGE SHEEHAN: You had one of those
15 when you went to school here; didn't you?

16 JUDGE NEWMAN: No.

17 UNKNOWN SPEAKER: The Murdaughs have a
18 long legal history/dynasty in South Carolina and
19 the grandfather's portrait had to be removed from
20 courtroom before the trial. Will that ever be
21 rehung or is he going to forever part of the sins
22 of the son?

23 JUDGE SHEEHAN: Good question.

24 JUDGE NEWMAN: Oh, typically the clerk
25 of court is in charge of the courtroom and what's

1 in the courtroom and courtroom decorations and all
2 that. But it has become subject to some recent
3 controversies, particularly throughout the South,
4 where portraits of -- of people are hung throughout
5 the courtroom. And in the state of Virginia, the
6 portraits -- there's a black defendant and a white
7 victim and all and this judge, who was white, the
8 defendant challenged the layout of the courtroom as
9 depriving him as of his right to a fair trial. He
10 said this aura of superiority reflected in all
11 these portraits hung around the courtroom, deprived
12 him of his right to a fair trial.

13 And the judge ordered them removed,
14 that was two or three years ago. And -- and, you
15 know, I was impressed by his rationale because we
16 have the same thing in South Carolina. So we come
17 to this particular case where the defendant's
18 grandfather's portrait is there hanging for
19 everyone to see, including jurors. It -- it would
20 affect the state's right to a fair trial. I
21 ordered it removed, I think it's since been put
22 back by the clerk.

23 JUDGE NEWMAN: We have a real quick --
24 yes, sir?

25 UNKNOWN SPEAKER: I don't have a

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1 question. I have a comment.

2 JUDGE NEWMAN: Yes, sir.

3 UNKNOWN SPEAKER: Because I am with
4 these two young gentlemen sitting next to me
5 matriculated through law school with you, Chester.
6 And I just wanted you to know that we're not
7 surprised at the excellence in which you have
8 achieved and we are very proud of you.

9 JUDGE NEWMAN: Thank you.

10 JUDGE SHEEHAN: That's awesome.

11 JUDGE NEWMAN: Because it's been
12 50 years now -- let's see, 1976, 47 years ago these
13 faces have changed.

14 UNKNOWN SPEAKER: Bill Smith.

15 Judge Newman: That's Farris Davis
16 right there.

17 JUDGE SHEEHAN: Oh, yeah. Wow.

18 JUDGE NEWMAN: And Bill, my kappa
19 brother, okay.

20 JUDGE SHEEHAN: You got a question?
21 They're you go.

22 UNKNOWN SPEAKER: Honorable Newman, you
23 have a plethora of education, experience and
24 knowledge. Do you ever aspire to write a book
25 because our young generation needs you?

1 JUDGE NEWMAN: My understanding is that
2 people who aspire to write books, really don't
3 write the books. They get a -- they get a literary
4 agent and they talk into the mike quite a bit and
5 somebody else writes the book. And maybe they add
6 it to; I don't know. I have no idea. You know,
7 all of this is relatively new to me and -- and so
8 we'll -- we'll take it as it comes.

9 JUDGE SHEEHAN: Great.

10 UNKNOWN SPEAKER: Hello, Judge
11 Newman --

12 JUDGE NEWMAN: Hi.

13 UNKNOWN SPEAKER: -- one of the most
14 kind of contentious things that happened in the
15 trial was your decision to allow the financial
16 crimes to come out, as like an admissible prior bad
17 act. How did you come to that decision and what
18 was your rationale for allowing those to come in?

19 JUDGE NEWMAN: Yeah, a lot of these --
20 it was a pretty controversial decision and it will
21 be the subject of an appeal. And, you know, no
22 case is final until there's a final ruling on the
23 appellate issues. So I think the record speaks for
24 itself. Initially the ruling was going to be
25 limited to things occurring within the res justici of

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1 the moment of -- the of day of the murders. And
2 the lawyers I ruled open to door to many other
3 things by the -- by the manner in which they
4 presented the evidence. And then, of course, once
5 a defendant takes a stand and testifies, then
6 almost everything is fair game at that point. So
7 we'll see what goes with that.

8 UNKNOWN SPEAKER: Thank you. Judge
9 Newman and Mrs. Newman, thank you for being here,
10 it's an honor. Two quick questions. The earlier
11 case that you had involving the police-involved
12 shooting, was that a special appointment from the
13 Supreme Court Chief Justice? And then also I'll,
14 just kind of a follow-up on this, the distinguished
15 alumnus of yours beat me to it, but I'm going --
16 I'm sure you went to school with just a whose-who
17 and I was just wondering if you could recall some
18 of those whose-whos.

19 JUDGE NEWMAN: Well, all of us
20 whose-who that I recall and Ferris Williams and I
21 have a whole lot of dealings with -- and, boy, they
22 don't look the same. All those whose-who. Yeah --
23 and I was in a police shooting in Charleston area,
24 the most -- most of the judges had to deal with --
25 the police department, quite extensively dealing

1 with issuing search warrants and -- and -- even
2 maybe just knowing them being in the community and
3 many of them did not feel comfortable dealing with
4 such a case knowing that the police departments
5 would be under such a microscope. And -- and they
6 called on me and said, hey, would you do it? And
7 -- and I never say no, I can't do a case if I'm
8 called upon to do it. And so that was another
9 appointment by the chief justice.

10 UNKNOWN SPEAKER: We have a question up
11 top.

12 JUDGE NEWMAN: I can say this about
13 that case because it was in the city of
14 Charleston -- Charleston County, the
15 African-American population is one-third of the
16 general population. And my goal was to ensure that
17 we had a jury that reflected the community.

18 So I had sheriff's department and
19 bailiff serve -- personally serve every perspective
20 juror to make sure they show up because, you know,
21 with the transient nature of people moving and, you
22 know, reports of that, I couldn't find this juror
23 -- I had them look for these jurors and we came up
24 with a one-third African-American jury pool in that
25 case. The jury pool, but once they got there, many

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1 people said I can't afford to be off from work and
2 I have this issue and that issue and so forth, I
3 can't serve. Basically excuses for getting out of
4 jury duty, some legitimate and some not. But by
5 the time we got through the end of the process and
6 the strikes, they ended up with one
7 African-American person on that jury. And a white
8 police officer had never been convicted of killing
9 a black person in South Carolina, and for the most
10 part in the United States in recent history.

11 So I was most concerned about whether
12 or not we'd have a fair and impartial trial in that
13 case. And the best think I could do was appoint
14 that black guy as the foreperson of the jury, so
15 that if there's another not guilty verdict there,
16 he had to sign that verdict form. And the jury
17 ended up being a hung jury and I don't want to say
18 because he wouldn't sign the form, but for whatever
19 reason, it was a hung jury and he later pled guilty
20 in Federal Court.

21 JUDGE SHEEHAN: Great.

22 UNKNOWN SPEAKER: Good afternoon,
23 Honorable Judge Newman. Thank you for being here.
24 My name is Assura Akcuma and I'm a 1L here at
25 Cleveland State University, College of Law. And I

1 am currently interested in intellectual property,
2 but have a long-term goal of becoming a judge. So
3 I just wanted to ask you: If you always wanted to
4 be a judge? And if not, how you ended
5 transitioning from being a prosecutor to now
6 becoming a judge and loving what you're doing?
7 Thank you.

8 JUDGE NEWMAN: All right. Well, when I
9 was here at Cleveland State, I said I wanted to be
10 an international lawyer. Now, whatever that was I
11 don't know, but it -- but it sounded pretty good.
12 I wanted to be an international lawyer. So quite
13 often what you want to be when you're in law
14 school it doesn't -- won't necessarily indicate
15 what you will be because quite often opportunities
16 will dictate the path of your legal career.

17 As it relates to why I wanted to become
18 a judge, you know, I practiced for 23 years before
19 seeking to become a judge. And it -- I continually
20 went to court, "Your Honor, may it please the
21 Court", may it please the Court, Your Honor" and
22 whether -- you know, big in the court, I'd rather
23 them ask me. Rather than it please the Court, I'd
24 rather be the Court. So that's why -- that's one
25 of the main reasons.

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1 JUDGE SHEEHAN: Great.

2 UNKNOWN SPEAKER: Your Honor, we talked
3 about the young folks and I think for the
4 edification of all of the students here and some of
5 the lawyers, what do you do and what did you do to
6 successfully handle the stress? You don't look
7 your age at all. You look like you just got out of
8 law school a couple of years ago. How do you
9 handle the stress of this career?

10 JUDGE NEWMAN: Well, it's difficult,
11 obviously, and I think they've done studies on it
12 all as to whether or not judges and others exposed
13 to horrific things, whether they take it home with
14 them. And, you know, I can't say that I don't
15 take -- I'm sure Pat will say that, you know, you
16 take it home with you. It's very difficult to
17 shake it off. And -- but when I think about the
18 fact that the -- trying to remain calm among all of
19 the things that's swirling around me in a case like
20 that, that brought me back to my Cleveland State
21 days pledging to a fraternity. And I should
22 probably have Nate Martin get up and recite
23 "Invictus" to us. You know, what's the part in
24 "Invictus"?

25 UNKNOWN SPEAKER: (Inaudible speaking).

1 JUDGE SHEEHAN: Wow. That's great.

2 JUDGE NEWMAN: So that helped take --
3 take care of me that whole training, trying to be
4 calm under -- when things are swirling around you,
5 it's -- it's tough, but it's a challenge and you
6 have to -- to be able to have some quality calming
7 time, you know, when you're out of -- in the line
8 of fire. It's difficult obviously.

9 UNKNOWN SPEAKER: Your Honor, first of
10 all, Judge Newman, I wanted to thank you for
11 including your process and -- and the protocols you
12 followed in order to get into law school. And I
13 heard the words Legal Career Opportunity Program
14 and I was part of the genesis of that program. And
15 it went through many phases and it's still in
16 existence and I'm -- I'm just thrilled that it is.
17 But I think you speaking on that, even just in
18 very, you know, kind of quick terms, makes a huge
19 difference for people in the future, young people,
20 to be able to come in and become an attorney
21 through that opportunity program.

22 So I taught in that, well, it's for
23 over 50 years, but I'm not teaching it now because
24 I'm too old. So anyway, I do know Judge Sheehan
25 very well and his wife Michelle and I followed

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1 them, you know on their path through law school as
2 well and the teaching process of writing. And also
3 of speaking. And your brilliance certainly speaks
4 volumes for that type of admissions process. So I
5 know it sounds like a little bit of, you know, an
6 ad or something, but I -- I was just touched by how
7 you inserted that. And thank you so much for being
8 here.

9 JUDGE NEWMAN: Yeah, the Legal Careers
10 Opportunity Program, it -- it came right at the
11 right time. I understand that it's recently
12 celebrated it's 50th anniversary, so 1970 --

13 JUDGE SHEEHAN: '71, yeah.

14 JUDGE NEWMAN: '71 it was created and
15 1973 is when I entered law school. So I guess I'm
16 the third class to take advantage of it. And --
17 and it has, you know, the admissions process now,
18 for the most part, in most law schools, and I teach
19 trial advocacy by the way at the University of
20 South Carolina Law School --

21 JUDGE SHEEHAN: That's great.

22 JUDGE NEWMAN: -- but the admissions
23 process is pretty gruelling. And based on test
24 scores and all those things and -- and the program
25 that was in place, gave us an opportunity to get

1 into law school, even if we did not have those high
2 scores. And it was a Godsend for me and for you
3 and Judge Aldridge and Judge Pat Blackman there and
4 all the others who have, you know, benefitted from
5 that program. And I'm sure there are many people
6 here also who have taken advantage of it and
7 have -- just thank you to the school for having
8 that opportunity.

9 JUDGE SHEEHAN: I think you've got a
10 question there.

11 UNKNOWN SPEAKER: Welcome, Judge
12 Newman. And thank you, Judge Sheehan, for your
13 participation. Judge Newman, I graduated from this
14 fine institution a year after you did. I have to
15 say at least you still look the same. My question
16 is: What did you -- what was your impression of
17 the decision of the defense to have the defendant
18 testify? And what effect do you think that had on
19 the jury from your observation?

20 JUDGE SHEEHAN: Good question.

21 JUDGE NEWMAN: Yeah, it's always a
22 tough decision anytime someone is representing a
23 defendant as to whether the defendant should take
24 the stand and testify. And I don't know, of
25 course, the lawyers argued during the trial that --

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1 that they did not want him to testify and they
2 advised him against testifying, but based on some
3 of the rulings and some of the evidence that had
4 been allowed in, that he was being forced to
5 testify to try to explain some of the things that
6 had come up during the trial.

7 Some of the unexplainable things that
8 was very -- that would otherwise be unexplainable
9 if he did not attempt to -- to -- to explain them.
10 And so that was a calculus that they had that the
11 jurors who have appeared on television, so I'm not
12 saying anything as far as my opinions, since I'm
13 limited in offering opinions, but some of the
14 jurors testified that not only through testifying,
15 but throughout the trial they could not find any
16 genuine tears by the defendant that he was -- they
17 felt he was able to turn it on and turn it off
18 whenever he wanted to.

19 And they said they saw through him and
20 did not -- and that it just revealed through his
21 testimony that he could not be trusted with
22 anything that he said or did.

23 UNKNOWN SPEAKER: Hi, thank you so much
24 for being here today. I know that this case is
25 probably a little bit different, but at the end of

1 most cases, you probably hear -- murder cases at
2 least, you probably hear all the I'm sorrys and I
3 wish I never did it, but in a typical murder case
4 -- which I hate that I used the word typical -- but
5 what mitigating factors do you find to be the most
6 impactful when sentencing an individual?

7 JUDGE NEWMAN: Genuine remorse is -- is
8 typically impactful. And, you know, some
9 explanation as to what caused the person to go
10 astray and -- and, you know, when a person is
11 convicted of murder, you know, the minimum sentence
12 is 30 years and the maximum is life. And say
13 someone like Murdaugh who was 55, and 30 years
14 means 30 years, you don't get good time and it
15 doesn't mean 20 years, it means 30 years. And the
16 life expectancy of anyone in a prison system is not
17 -- is not that great.

18 So a life sentence -- a 30-year
19 sentence on a 50-year-old person -- 55-year-old
20 person is pretty much a life sentence. So in a lot
21 of instances not much that can be said. When
22 you're dealing with 21-year-olds, 22-year-olds,
23 23-year-olds, in that age range, you know, there's
24 a little difference as to whether or not they're --
25 there's anything that existed during the person's

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1 life that should mitigate against a life sentence,
2 for example. And we've had court rulings mandating
3 some assessment and evaluation of that person
4 facing a possible life sentence prior to imposing a
5 sentence. It's -- you know, quite often you have
6 the victims -- they always want you to give the
7 person life because they've taken a life and -- but
8 it's not the right thing to do in many, many
9 instances.

10 JUDGE SHEEHAN: You know, Judge, we've
11 been doing this for an hour and I can honestly tell
12 you I've been in this room and I've never seen this
13 big of a crowd. You just draw a big crowd here. I
14 just want to thank president Bloomberg, Dean Fisher
15 for allowing this to happen. And I can't tell you
16 how excited I am to be here with. And I just want
17 to give you a round of applause making Cleveland
18 State proud.

19 DEAN FISHER: And I have some good
20 news, Judge Newman is going to be back. He will be
21 here on Friday, November 3rd, when he is inducted
22 in our hall of fame. He doesn't know yet, but
23 he'll be giving the keynote address.

24 JUDGE SHEEHAN: Oh, wow. Thanks
25 everybody.

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JUDGE NEWMAN: Thank you, I will have
one by then.

COURTESY OF
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CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 24th day of October, 2023 at Columbia, Richland County, South Carolina.

Amy R. Cope

Amy R. Cope, Court Reporter
My Commission expires
June 14, 2028



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EXHIBIT C

(Today Show Transcript)

LUNA SHARK OF MEDIA

~ June 21, 2023

Today Show

Craig Melvin Interview with Judge Newman

June 21st, 2023

<https://www.today.com/video/judge-clifton-newman-opens-up-about-alex-murdaugh-trial-183767621503>

CRAIG MELVIN: The trial grabbed headlines around the world.

"I'm Alex Murdaugh". (Alex Murdaugh).

Alex Murdaugh, once head of a prominent South Carolina legal dynasty, standing trial for the murders of his wife and son. And overseeing the high-profile case, Judge Clifton Newman.

Were you surprised by the attention, the extent of it?

JUDGE CLIFTON NEWMAN: I probably shouldn't have been surprised, you know, a high-profile lawyer, death of a wife, death of a child. Accusations of stealing millions of dollars from clients. Allegations of a lawyer who had done drugs. It had all the -- the ingredients for something of major public interest.

CRAIG MELVIN: It all started on the

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night of June 7th, 2021, when Alex Murdaugh called police, claiming he found his wife Maggie and son Paul shot to death on the family's estate.

"911, what's your emergency? This is Alex Murdaugh at 4147 Moselle Road and I need the police and ambulance immediately. My wife and child are shot badly". (Alex Murdaugh)

Turns out that call was just one in a long series of lies exposed during Murdaugh's six-week trial.

"I wanted to give them as much accurate information as I could". (Alex Murdaugh)

Lies about where he'd been the night his wife and son were killed. Lies about a staged suicide attempt. Admissions about drug abuse. And allegations of stealing of millions of dollars from his clients. Through it all, Judge Newman widely seen as a calming presence and a by-the-book jurist. And it took the jury less than three hours to convict Murdaugh.

Were you surprised at all by the speed by which the jury came back with the -- with the verdict?

JUDGE CLIFTON NEWMAN: I wasn't. My experience in recent years is that jurors don't

1 take a long time deliberating after they've spent
2 weeks and weeks and weeks listening to testimony
3 and receiving evidence.

4 CRAIG MELVIN: Last March, Judge Newman
5 sentenced Murdaugh to two life sentences while
6 declaring he'd be forced to live with what he'd
7 done.

8 "Within your own soul, you have to deal
9 with that and I know you have to see Paul and
10 Maggie during the nighttimes when you're attempting
11 to go to sleep, I'm sure they come and visit you."
12 (Judge Clifton Newman)

13 CRAIG MELVIN: Pretty powerful.

14 JUDGE CLIFTON NEWMAN: Yeah.

15 CRAIG MELVIN: Do -- do you think that
16 he'll been haunted by his -- his wife and -- and
17 son?

18 JUDGE CLIFTON NEWMAN: Oh, I think so,
19 it has to be. I -- I cannot imagine him having a
20 peaceful night knowing what he did. I'm sure if he
21 had an opportunity to -- to do it over again, he'd
22 never do it.

23 CRAIG MELVIN: Judge Newman's reserved
24 demeanor on the bench drawing many admirers. His
25 story made more impressive by where it started in a

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1 segregated school in a small South Carolina town
2 inspired by the landmark case, Brown versus The
3 Board of Education. He went to law school and
4 became a prosecutor before becoming a judge in
5 2000. One of his daughters, Jocelyn, following in
6 his footsteps is now a state judge too.

7 So growing up you would see Dad in
8 court in action?

9 JOCELYN NEWMAN: It was kind of scary,
10 he was a good prosecutor. I'd sit in the jury box
11 and -- and watch him at work.

12 CRAIG MELVIN: Judge Newman and her
13 father talk often. In fact, they even share the
14 same judge's chambers. So she had a front-row seat
15 as he made headlines from the bench in the Murdaugh
16 trial.

17 JOCELYN NEWMAN: I knew it was a big
18 deal, but it probably happened even before that,
19 you know, scrolling through Instagram and -- and
20 seeing a Dateline post about Alex Murdaugh was just
21 amazing. I'm pretty sure I took a screenshot of
22 that and -- and sent it around to the family.

23 CRAIG MELVIN: Judge Clifton Newman
24 plans to retire this fall. As his legal career
25 comes to a close, he reflected on Murdaugh and his

1 most high-profile case.

2 JUDGE CLIFTON NEWMAN: I felt sorry for
3 him. I felt that -- that he was just in a position
4 where he could not -- where there's a hole that he
5 -- he could go into and dive in the hole and keep
6 going to the lowest depths. And I wasn't trying to
7 pull him out of that hole, but I wanted to give him
8 an opportunity to -- to say something.

9 CRAIG MELVIN: Alex Murdaugh still
10 maintains he did not kill his wife and son. There
11 were certain questions that Judge Newman declined
12 to answer because this is a case that is being
13 appealed.

14 It's also interesting to point out, you
15 just heard from one of his daughters there, Judge
16 Newman had four children --- and Savannah, you'll
17 appreciate this -- all four of the children ended
18 up taking the LSAT. All four of them ended up
19 going to law school actually. Two of them finished
20 law school and ended up becoming attorneys.

21 Just two weeks prior to this trial
22 starting, his youngest son died suddenly. And a
23 lot of folks said to the Judge, we would understand
24 if you wanted to delay the start of the trial and
25 Judge Newman insisted because there had been so

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1 many people who had been involved in jury selection
2 and seating the jury, he wanted to seat them for
3 that reason. And also he needed the distraction as
4 well. And his wife for the first time ever was in
5 court every day to support her husband during the
6 course of that trial.

7 SAVANNAH GUTHRIE: It's pretty
8 extraordinary that he decided to just go forward
9 and do the job beforehand when he had that such
10 personal grief. Craig, thank you very much.
11 Appreciate it.

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COURTESY OF
LUNA SHARK MEDIA

CERTIFICATE OF REPORTER

I, Amy R. Cope, Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 23rd day of October, 2023 at Columbia, Richland County, South Carolina.


Amy R. Cope

Amy R. Cope, Court Reporter
My Commission expires
June 14, 2028



<p style="text-align: center;">A</p> <p>abuse 2:15 accurate 2:11 7:6 Accusations 1:21 action 4:8 admirers 3:24 Admissions 2:15 affixed 7:12 Alex 1:11,11,12 2:1 2:5,7,12 4:20 5:9 allegations 1:22 2:16 amazing 4:21 ambulance 2:6 Amy 7:3,20 answer 5:12 appealed 5:13 appreciate 5:17 6:11 attempt 2:15 attempting 3:10 attention 1:16 attorneys 5:20</p> <hr/> <p style="text-align: center;">B</p> <p>back 2:22 badly 2:7 becoming 4:4 5:20 bench 3:24 4:15 big 4:17 Board 4:3 box 4:10 Brown 4:2 by-the-book 2:18</p> <hr/> <p style="text-align: center;">C</p> <p>call 2:8 called 2:1 calming 2:18 career 4:24 Carolina 1:13 4:1 7:4,13 case 1:15 4:2 5:1,12 cause 7:9 certain 5:11 CERTIFICATE 7:1 certify 7:5,8 chambers 4:14 child 1:21 2:7 children 5:16,17 claiming 2:2 clients 1:22 2:17 Clifton 1:15,18 2:24</p>	<p>3:12,14,18 4:23 5:2 close 4:25 Columbia 7:13 come 3:11 comes 4:25 Commission 7:21 complete 7:6 convict 2:20 Cope 7:3,20 counsel 7:9 County 7:13 course 6:6 court 4:8 6:5 7:3,20 Craig 1:2,9,25 3:4 3:13,15,23 4:12,23 5:9 6:10</p> <hr/> <p style="text-align: center;">D</p> <p>Dad 4:7 Dateline 4:20 daughters 4:5 5:15 day 6:5 7:12 deal 3:8 4:18 death 1:20,20 2:3 decided 6:8 declaring 3:6 declined 5:11 delay 5:24 deliberating 3:1 demeanor 3:24 depths 5:6 died 5:22 distraction 6:3 dive 5:5 dollars 1:21 2:16 drawing 3:24 drug 2:15 drugs 1:23 dynasty 1:13</p> <hr/> <p style="text-align: center;">E</p> <p>Education 4:3 emergency 2:4 ended 5:17,18,20 estate 2:3 events 7:10 evidence 3:3 experience 2:25 expires 7:21 exposed 2:9</p>	<p>extent 1:17 extraordinary 6:8</p> <hr/> <p style="text-align: center;">F</p> <p>fact 4:13 fall 4:24 family 4:22 family's 2:3 father 4:13 felt 5:2,3 finished 5:19 first 6:4 folks 5:23 following 4:5 footsteps 4:6 forced 3:6 foregoing 7:5 forward 6:8 found 2:2 four 5:16,17,18 front-row 4:14 further 7:8</p> <hr/> <p style="text-align: center;">G</p> <p>give 2:11 5:7 go 3:11 5:5 6:8 going 5:6,19 good 4:10 grabbed 1:9 grief 6:10 growing 4:7 GUTHRIE 6:7</p> <hr/> <p style="text-align: center;">H</p> <p>hand 7:11 happened 4:18 haunted 3:16 he'll 3:16 head 1:12 headlines 1:10 4:15 heard 5:15 hereunto 7:11 high-profile 1:15,20 5:1 hole 5:4,5,7 hours 2:19 https://www.toda... 1:5 husband 6:5</p> <hr/> <p style="text-align: center;">I</p>	<p>imagine 3:19 immediately 2:6 impressive 3:25 information 2:12 ingredients 1:23 insisted 5:25 inspired 4:2 Instagram 4:19 interest 1:24 interested 7:10 interesting 5:14 Interview 1:2 involved 6:1</p> <hr/> <p style="text-align: center;">J</p> <p>job 6:9 Jocelyn 4:5,9,17 judge 1:2,15,18 2:17 2:24 3:4,12,14,18 3:23 4:4,6,12,23 5:2,11,15,23,25 judge's 4:14 June 1:3 2:1 7:21 jurist 2:19 jurors 2:25 jury 2:19,22 4:10 6:1,2</p> <hr/> <p style="text-align: center;">K</p> <p>keep 5:5 kill 5:10 killed 2:14 kind 4:9 knew 4:17 know 1:19 3:9 4:19 knowing 3:20</p> <hr/> <p style="text-align: center;">L</p> <p>landmark 4:2 Large 7:5 law 4:3 5:19,20 lawyer 1:20,22 legal 1:13 4:24 lies 2:9,13,14 life 3:5 listening 3:2 live 3:6 long 2:9 3:1 lot 5:23 lowest 5:6 LSAT 5:18</p>	<p style="text-align: center;">M</p> <p>Maggie 2:2 3:10 maintains 5:10 major 1:24 March 3:4 Melvin 1:2,9,25 3:4 3:13,15,23 4:12,23 5:9 millions 1:21 2:16 Moselle 2:5 Murdaugh 1:11,11 1:12 2:1,5,7,12,20 3:5 4:15,20,25 5:9 Murdaugh's 2:9 murders 1:14</p> <hr/> <p style="text-align: center;">N</p> <p>need 2:5 needed 6:3 neither 7:8 never 3:22 Newman 1:2,15,18 2:17,24 3:4,12,14 3:18 4:9,12,17,23 5:2,11,16,25 Newman's 3:23 night 2:1,13 3:20 nighttimes 3:10 Notary 7:4</p> <hr/> <p style="text-align: center;">O</p> <p>October 7:12 official 7:12 Oh 3:18 once 1:12 opens-up-about-al... 1:6 opportunity 3:21 5:8 overseeing 1:14</p> <hr/> <p style="text-align: center;">P</p> <p>party 7:9 Paul 2:3 3:9 peaceful 3:20 pending 7:10 people 6:1 personal 6:10 plans 4:24 point 5:14 police 2:2,6 position 5:3</p>
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<p>post 4:20 powerful 3:13 presence 2:18 pretty 3:13 4:21 6:7 prior 5:21 probably 1:18 4:18 prominent 1:12 prosecutor 4:4,10 public 1:24 7:4 pull 5:7</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:11</p> <hr/> <p style="text-align: center;">R</p> <p>R 7:3,20 reason 6:3 receiving 3:3 record 7:7 reflected 4:25 related 7:9 Reporter 7:1,3,20 reserved 3:23 retire 4:24 Richland 7:13 Road 2:5</p> <hr/> <p style="text-align: center;">S</p> <p>Savannah 5:16 6:7 scary 4:9 school 4:1,3 5:19,20 screenshot 4:21 scrolling 4:19 seal 7:12 seat 4:14 6:2 seating 6:2 see 3:9 4:7 seeing 4:20 seen 2:18 segregated 4:1 selection 6:1 sent 4:22 sentenced 3:5 sentences 3:5 series 2:9 share 4:13 shot 2:3,7 Show 1:1 sit 4:10 six-week 2:10 sleep 3:11</p>	<p>small 4:1 son 1:14 2:2,14 3:17 5:10,22 sorry 5:2 soul 3:8 South 1:13 4:1 7:4 7:13 speed 2:21 spent 3:1 staged 2:14 standing 1:13 start 5:24 started 1:25 3:25 starting 5:22 state 4:6 7:4 stealing 1:21 2:16 story 3:25 suddenly 5:22 suicide 2:15 support 6:5 sure 3:11,20 4:21 surprised 1:16,19 2:21</p> <hr/> <p style="text-align: center;">T</p> <p>take 3:1 talk 4:13 testimony 3:2 thank 6:10 thereof 7:10 think 3:15,18 three 2:19 time 3:1 6:4 Today 1:1 town 4:1 transcript 7:6 trial 1:9,13 2:10 4:16 5:21,24 6:6 true 7:6 trying 5:6 Turns 2:8 two 3:5 5:19,21</p> <hr/> <p style="text-align: center;">U</p> <p>understand 5:23</p> <hr/> <p style="text-align: center;">V</p> <p>verdict 2:23 versus 4:2 visit 3:11</p>	<hr/> <p style="text-align: center;">W</p> <p>wanted 2:11 5:7,24 6:2 wasn't 2:24 5:6 watch 4:11 weeks 3:2,2,2 5:21 went 4:3 widely 2:17 wife 1:14,20 2:2,6,14 3:16 5:10 6:4 Witness 7:11 work 4:11 world 1:10</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <p>Yeah 3:14 years 2:25 youngest 5:22</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>14 7:21</p> <hr/> <p style="text-align: center;">2</p> <p>2000 4:5 2021 2:1 2023 1:3 7:13 2028 7:21 21st 1:3 23rd 7:12</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <p>4147 2:5</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p style="text-align: center;">7</p> <p>7th 2:1</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p style="text-align: center;">9</p> <p>911 2:4</p>		
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EXHIBIT D

(Motion for a New Trial)

LUNA SHARK OF MEDIA

**STATE OF SOUTH CAROLINA
COUNTY OF COLLETON**

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

**COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT**

Indictment Nos. 2022-GS-15-00592, -593,
-594, and -595

MOTION FOR A NEW TRIAL

Defendant Richard Alexander Murdaugh, through undersigned counsel, pursuant to Rule 29(b) of the South Carolina Rules of Criminal Procedure, hereby moves the Court for a new trial after discovering that the Clerk of Court tampered with the jury by advising them not to believe Murdaugh's testimony and other evidence presented by the defense, pressuring them to reach a quick guilty verdict, and even misrepresenting critical and material information to the trial judge in her campaign to remove a juror she believed to be favorable to the defense.¹

Specifically, during trial the Colleton County Clerk of Court, Rebecca Hill, instructed jurors not to be "misled" by evidence presented in Mr. Murdaugh's defense. She told jurors not to be "fooled by" Mr. Murdaugh's testimony in his own defense. Ms. Hill had frequent private conversations with the jury foreperson, a Court-appointed substitution for the foreperson the jury elected for itself at the request of Ms. Hill. During the trial, Ms. Hill asked jurors for their opinions about Mr. Murdaugh's guilt or innocence. Ms. Hill invented a story about a Facebook post to remove a juror she believed might not vote guilty. Ms. Hill pressured the jurors to reach a quick verdict, telling them from the outset of their deliberations that it "shouldn't take them long." Ms. Hill did these things to secure a book deal for herself and media appearances that would not happen

¹ On October 17, 2023, the South Carolina Court of Appeals issued an Order holding Murdaugh's appeal in abeyance and remanded the case for consideration of this Motion for New Trial.

in the event of a mistrial. Ms. Hill betrayed her oath of office for money and fame. Once these facts are proven, the law does not allow the Court any discretion about how to respond. It must grant a new trial.

I. Statement of Facts

Mr. Murdaugh was indicted for the murder of his wife Maggie and son Paul on July 14, 2022. His murder trial began January 23, 2023. The presiding judge was the Honorable Clifton Newman. The trial ran for six weeks, ending with convictions on the evening of March 2, 2023, and sentencing on March 3, 2023. The State rested its case-in-chief and the defense began its case on Friday, February 17, 2023.

Court was not held on February 20, which was President's Day. After returning from the holiday, Ms. Hill began to enter the jury rooms often. Aff. of Juror No. 630 ¶ 7, Aug. 14, 2023 (attached as **Exhibit A**). As the defense began its case, Ms. Hill told jurors, "Y'all are going to hear things that will throw you all off. Don't let this distract you or mislead you." Aff. of Holli Miller *re Juror No. 741* ¶ 6, Sep. 1, 2023 (attached as **Exhibit B**). Additionally, Ms. Hill and Juror No. 826, the new jury foreperson, on multiple occasions went to another room to have private conversations lasting five or ten minutes. Ex. A ¶ 8. Sometimes they would go into the jury room's single-occupancy bathroom together. Ex. B ¶ 4. Foreperson Juror No. 826 never said anything about the content of those conversations to other jurors. Ex. A ¶ 8. Ms. Hill even instructed jurors they could not ask Foreperson Juror No. 826 about the conversations. Ex. B ¶ 4.

Two days later, on Thursday, February 23, and continuing through the next day, Mr. Murdaugh testified in his own defense. Before he began his testimony, Ms. Hill told jurors "not to be fooled" by the evidence Mr. Murdaugh's attorneys presented, which at least one juror understood to mean that Mr. Murdaugh would lie when he testified. Ex. A ¶ 2. Ms. Hill also instructed the jury to "watch him closely," to "look at his actions," and to "look at his movements,"

which at least one juror understood to mean that Mr. Murdaugh was guilty. *Id.* Immediately after Mr. Murdaugh testified, Foreperson Juror No. 826 told the jury that Mr. Murdaugh was crying on cue. Ex. A ¶ 4. She also criticized the former foreperson, Juror No. 589, for handing Mr. Murdaugh a box of tissues when he was crying on the stand because “that is what the defense wants us to do.” Ex. A ¶ 5.

The next court day after Mr. Murdaugh’s testimony, Monday, February 27, Ms. Hill told Judge Newman about a Facebook posting she purportedly saw on the evening of Friday, February 24 (the day Mr. Murdaugh’s testimony concluded), while perusing a Facebook group page called “Walterboro Word of Mouth.” Draft Tr. of *in camera* conf. 41:3–42:15, Mar. 1, 2023 (attached as **Exhibit C**). The post, purportedly by Juror No. 785’s ex-husband Tim Stone, allegedly stated that his “his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be.” *Id.* Judge Newman asked her to produce a copy of the posting. *Id.* She could not produce a copy, but according to Ms. Hill, a subordinate employee in the Clerk’s Office, Lori Weiss, discovered that the post was taken down and replaced with an apology post:

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I’m sorry

Id.; Rebecca Hill, “Behind the Doors of Justice” at 97 (2023) (attached as **Exhibit D**); Timothy Stone Facebook Post, Feb. 16, 2023 (attached as **Exhibit E**). The “apology” post states the initial post was already deleted on February 16, so it would have been impossible for Ms. Hill to see the original post on February 24.

Mr. Stone, Juror No. 785’s ex-husband, avers in a sworn statement that he made no such posts. Aff. of Tim Stone ¶ 2, Aug. 18, 2023 (attached as **Exhibit F**). Mr. Murdaugh has obtained an authentic download of the entirety of Mr. Stone’s Facebook activity from January 23, 2023, to

March 2, 2023, which confirms he did not post the apology (the supposed original post if deleted would not be recoverable at this point under Facebook's retention policies) and that he in fact never posted anything to the "Walterboro Word of Mouth" Facebook page during the trial. Aff. of Phillip Barber ¶¶ 2-5, Aug. 31, 2023 (attached as **Exhibit G**).

The person who made the apology post is an unrelated person also named Timothy Stone, whose Facebook profile picture is not Juror No. 785's ex-husband. He lives in Georgia and has never posted anything to the Facebook group "Walterboro Word of Mouth." Aff. of Timothy Stone ¶¶ 1-4, Sept. 12, 2023 (attached as **Exhibit L**). The original post for which Mr. Stone apologized pertained to an argument about Mr. Stone's wife's aunt "sticking her nose in [his] business." He felt "terrible" about that post, deleted it, and posted an apology the next day. Ex. L ¶ 6.

On February 28, Ms. Hill questioned Juror No. 785 about the fictitious post on "Walterboro Word of Mouth" alone in her office in the courthouse. Aff. of Juror No. 785 ¶ 3, Aug. 13, 2023 (attached as **Exhibit H**). She told Juror No. 785 that someone had emailed her stating her ex-husband, Tim Stone, posted on the "Walterboro Word of Mouth" Facebook page that Juror No. 785 had been drinking with her ex-husband, and that while drunk she expressed opinions on the guilt or innocence of Mr. Murdaugh. Ex. H ¶ 4. Juror No. 785 told Ms. Hill that never happened and that she had not seen her ex-husband in ten years. *Id.* Juror No. 785 asked to see the post, but Ms. Hill would not show it to her. Ex. H ¶ 5. Ms. Hill directly asked Juror No. 785 whether she was inclined to vote guilty or not guilty. Ex. H ¶ 3. Juror No. 785 said she had not made up her mind. *Id.*

Later that day, Ms. Hill told Juror No. 785 that SLED and Colleton County Sheriff's Office personnel went to Mr. Stone's house, and he confirmed he made the post. Ex. H ¶ 6. This is a fabrication by Ms. Hill. Ms. Hill told Juror No. 785 she would somehow "reinstate" a restraining

order Juror No. 785 previously had against Mr. Stone, which is something that Ms. Hill did not have the authority to do.

Still later that day, Judge Newman examined Juror No. 785 regarding both the nonexistent Facebook post and the tenant/co-worker email² *in camera*. Draft Tr. Of *in camera* conf. 3:8–6:19, Feb. 28, 2023 (attached as **Exhibit I**). Juror No. 785 described her interactions with Ms. Hill regarding the Facebook post. *Id.* She denied making any inappropriate comments about the case to third parties, and stated she wanted to hear closing arguments before forming an opinion on Mr. Murdaugh’s guilt or innocence. *Id.*

After she was dismissed, Judge Newman said, “Oh boy. I’m not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me.” Ex. I at 13:20–22. He was right to be concerned.

The next day, on March 1, 2023, the jury visited Moselle, the site of the murders. During the visit, Foreperson Juror No. 826 and Ms. Hill walked off to have yet another private conversation. Ex. H ¶ 16; Ex. B ¶ 9. In her book, Ms. Hill more vaguely hints at communicating her opinion on Mr. Murdaugh’s guilt to the jury during the visit to the Moselle property:

While the jurors viewed the Moselle property, we all could hear and see Alex’s story was impossible.

Some of us either from the courthouse, law enforcement, or jury at Moselle had an epiphany and shared our thoughts with our eyes. At that moment, many of us standing there knew. I knew and they knew that Alex was guilty.

Ex. D at 108.

² A co-worker of a tenant of Juror No. 785 emailed the Court on February 27 stating that the tenant said her landlord was a juror and had expressed an opinion when delivering a refrigerator to the property more than a week earlier.

That day Judge Newman also held an *in camera* conference regarding the tenant/co-worker email, in which he decided to revisit the Facebook post issue with Ms. Hill:

THE COURT: Okay. Well, let me see what Becky is talking about. I wanted to revisit the Facebook post that you mentioned yesterday.

MS. HILL: Uh-huh, right.

THE COURT: That's Becky Hill, the Clerk of Court. Can you tell us about that Facebook post?

MS. HILL: Yes. I think it was Friday evening just for a brief moment I perused Facebook, got on Walterboro Word of Mouth, and saw where someone had said that – well, it was the ex-husband of a juror, and he said that he noticed that his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be, and that he was the ex-husband but she was known for talking way too much. And then I just kept on scrolling because that was enough for me. I've gotten enough.

THE COURT: And how did you determine who he was talking about?

MS. HILL: When I heard there was an email on Monday I figured the two went together, if it was true.

THE COURT: Well, she's confirmed she has an ex-husband who she has three restraining orders out against so –

MS. HILL: Right. So then we looked on Monday after you told me to try to go back and look for it and we couldn't find it. But then we found out his name, and we found the post and printed it out where he said that he had put something up, but that he had deleted it at the time that he had put stuff out there that wasn't nice.

THE COURT: He said he got drunk afterwards.

MR. MEADORS: Something about the devil.

MR. HARPOOTLIAN: Didn't he say it was satan in it?

MS. HILL: Satan was in it, yes. In all of the details, yes.

THE COURT: All right.

MS. HILL: Made me do it.

THE COURT: Okay. I just wanted to have that on the record, you're reading a Facebook post by the ex-husband who said it. Of course, you haven't talked with him so you don't know where he got his information from.

MS. HILL: I don't. I can find it, though.

Ex. C at 41:3–42:16. But Ms. Hill never saw any such Facebook post. She made it up. Further, she knew the “apology” post was not posted by Juror No. 785’s ex-husband. Juror No. 785 showed Ms. Hill a picture of her ex-husband, which is not the Facebook profile picture of the other Mr. Stone’s post about Satan. Ex. H ¶ 8.

The next day, March 2, 2023—the day of the verdict—Juror No. 785 received a call from her ex-husband that she did not answer. Ex. H ¶ 9. The call upset her because Ms. Hill’s lies had led her to believe he was posting on Facebook about her and might be stalking her. *Id.* Juror No. 785 asked to speak with Ms. Hill. *Id.* She told Ms. Hill she was scared. *Id.* Ms. Hill told her that “the Murdaughs” probably “got to him,” meaning her ex-husband. *Id.*

Ms. Hill once again asked her opinion regarding Mr. Murdaugh’s guilt. Ex. H ¶ 10. Juror No. 785 told her that Creighton Waters’ closing was good, but that she still had questions. *Id.* Ms. Hill asked what questions and Juror No. 785 replied that she was concerned that no murder weapon was found. *Id.* Ms. Hill then asked, “well, what makes you think he’s guilty?” *Id.* Juror No. 785 said Paul’s video at the dog kennels. *Id.* Ms. Hill then told Juror No. 785 “that everything Mr. Murdaugh has said has been lies and that I should forget about the guns, they will never be seen again.” *Id.* Ms. Hill then asked Juror No. 785 about the views of the rest of the jury, telling her that if the foreperson would “just go in and ask for a raise in hands this would be over and done with” and “everyone needs to be on the same page.” Ex. H ¶ 11.

Juror No. 785 went to the jury room and, ten minutes later, was excused from the jury. Ex. H ¶ 12. In open court immediately after her excusal, Juror No. 785 asked Judge Newman if he had spoken with the Clerk of Court, referring to the conversation earlier that morning with Ms.

Hill. Video of Trial Proceedings, Mar. 2, 2023, available at https://www.youtube.com/watch?v=nbuMqI5qY2Q&ab_channel=ABCNews4. Judge Newman responded that “I have not spoken with her today” and that this is “totally independent” of any “conversation” regarding her ex-husband, apparently misunderstanding her question to refer to the issue of the Facebook post. *Id.*

When the jury began deliberations that evening, Ms. Hill told them that “this shouldn’t take us long,” and that if they deliberated past 11 p.m., they would be taken directly to a hotel even though none were prepared to stay overnight. Ex. A ¶ 9. Additionally, smokers on the jury asked to be allowed to take smoke breaks as they had previously been allowed to do during the six-week trial, but Ms. Hill told them they could not smoke until deliberations were complete. *Id.*; Aff. of Holli Miller *re Juror No. 326* ¶ 7, Sep. 1, 2023 (attached as **Exhibit J**). There were six smokers on the jury. Ex. J ¶ 7.

Ms. Hill told jurors that after the trial they would be famous and predicted that the media would request interviews with them. Ms. Hill even handed out reporters’ business cards to jurors during the trial. Ex. B ¶ 5. Juror No. 578 took this to heart and made an appearance on Good Morning America the night of the verdict, which is why on the day the jury began deliberations he wore a suit coat for the first time during the trial. After the verdict and immediately before sentencing, Ms. Hill pressured the jury to speak as a group to reporters for a network news show. Ex. A ¶ 11. She traveled with jurors to New York City when they appeared on the Today show. Ex. D at 93–94. She got her book deal. Her book, “Behind the Doors of Justice,” was released on August 1, 2023.

A last point about Ms. Hill’s efforts to promote her book shows her dishonest efforts to profit from the trial continued well after the verdict. A film crew negotiated a contract with the

Colleton County Sheriff's Department to use courthouse bailiffs to provide security while they filmed a documentary at the Colleton County Courthouse when it was closed for Confederate Memorial Day on May 10, 2023. The film crew had previously recorded an interview with Ms. Hill. On May 9, Ms. Hill sent a memorandum to the film crew purporting to be an "Addendum" to the contract. Mem. from Rebecca Hill, May 9, 2023 (attached as **Exhibit K**). In it, she demanded that the film crew pay Colleton County a fee of \$1,000 per day for use of courthouse facilities and made a nonsensical statement about not having authority outside South Carolina that reflects a failure to understand the choice-of-law clause in the contract. *Id.* Then she bizarrely added a handwritten demand:

Also, in exchange for the use of the likeness of Rebecca Hill in an interview, a minimum of [unclear] 5 second video and audio clips will accompany the usage on the first reference. The book cover for the book, "Behind the Doors of Justice: The Murdaugh Murders["] will be shown and audio will include Becky's introduction as Clerk of Court for Colleton County and author of the book.

Id. The film crew ignored her addendum as the contract had already been executed. But like her jury tampering during trial, it was an attempt to violate South Carolina Code § 8-13-700(A), which provides, "No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself"

II. Legal Standard

"A defendant in a criminal prosecution is constitutionally guaranteed a fair trial by an impartial jury, and in order to fully safeguard this protection, it is required that the jury render its verdict free from outside influence." *State v. Johnson*, 302 S.C. 243, 250, 395 S.E.2d 167, 170 (1990) (internal quotation marks omitted). "[W]hen the defendant presents a credible allegation of communications or contact between a third party and a juror concerning the matter pending before the jury" the defendant has an "entitlement to an evidentiary hearing." *Barnes v. Joyner*, 751 F.3d 229, 242 (4th Cir. 2014) (citing *Remmer v. United States*, 347 U.S. 227 (1954)); *see also*

Smith v. Phillips, 455 U.S. 209, 215 (1982) (“This Court has long held that the remedy for allegations of juror partiality is a hearing in which the defendant has the opportunity to prove actual bias.”).³

If the defendant proves the alleged contacts occurred, the prosecution bears the burden to show they were harmless:

In a criminal case, any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties. The presumption is not conclusive, but the burden rests heavily upon the Government to establish, after notice to and hearing of the defendant, that such contact with the juror was harmless to the defendant.

Remmer, 347 U.S. at 229. The presumption is even stronger where the contact was made by a court official. Where “[t]here was the private communication of the court official to members of the jury, an occurrence which cannot be tolerated if the sanctity of the jury system is to be maintained . . . a new trial *must* be granted unless it clearly appears that the *subject matter* of the communication was harmless and could not have affected the verdict.” *State v. Cameron*, 311 S.C. 204, 207–08, 428 S.E.2d 10, 12 (Ct. App. 1993) (quoting *Holmes v. United States*, 284 F.2d 716, 718 (4th Cir. 1960)) (emphasis added).

III. Argument

A state official, Rebecca Hill, the elected Clerk of Court, had extensive private communications with members of the jury during trial. This allegation is supported by sworn

³ The trial court is directed to consider whether (1) the contact was made in an effort to influence the juror by or on behalf of a party in whose favor the verdict was rendered *or*; (2) the contact was such as would obviously influence the juror *or*; (3) the trial judge finds the contact either influenced or probably influenced the juror. *Blake by Adams v. Spartanburg Gen. Hosp.*, 307 S.C. 14, 16–18, 413 S.E.2d 816, 817–18 (1992).