

STATE GRAND JURY OF SOUTH CAROLINA
BEAUFORT COUNTY

STATE OF SOUTH CAROLINA)	Case No. 2021-GS-47-30
)	
)	
V)	MOTION TO TRANSFER VENUE
)	
)	
RICHARD ALEXANDER MURDAUGH)	

Defendant Richard Alexander Murdaugh, through undersigned counsel, hereby moves the Court for an order transferring venue of the trial of this case, or in the alternative, for a continuance of the scheduled trial. Defendant has received unprecedented media coverage since the murder of his wife and son in 2021. Defendant’s trial on the murder charges was broadcast live to multiple media outlets and seen by millions. The trial concluded in March 2023. Since then, there have been two docuseries devoted to the trial, and two movies about the Defendant have been released.

As a result of this publicity, the jury panel has been provided with a questionnaire to complete which includes questions about their knowledge of the Defendant, or this case. Not surprising, there have been 167 questionnaires returned thus far, and at least 147 panel members admitted having prior knowledge about the Defendant and his criminal charges. *See Exhibit A, Sample of Potential Juror Responses.* S.C. Code § 17-21-80 authorizes the circuit courts to order a change of venue to another county within the same circuit if pre-trial publicity would deprive a defendant of a fair and impartial jury. *State v. Gardner*, 332 S.C. 389, 392, 505 S.E.2d 338, 339 (1998). In addition, S.C. Code § 17-21-85 authorizes the Court to impanel a jury from any county in the State and transport the jury to Beaufort County for trial.

When a change of venue motion is predicated on pre-trial publicity, the relevant inquiry is whether potential jurors have “such fixed opinions that they could not judge impartially the guilt of the defendant.” *Gardner*, 332 S.C. at 392, 505 S.E.2d at 339. However, a simple statement from a juror stating that he can set aside what he had previously heard and be fair and impartial should not be blindly accepted. The United States Supreme Court vacated a death penalty conviction where eight of twelve jurors thought petitioner was guilty before being selected but claimed that they could be fair and impartial. *Irvin v. Dowd*, 366 U.S. 717, 727–28, 81 S. Ct. 1639, 1645, 6 L. Ed. 2d 751 (1961). The Court explained “no doubt each juror was sincere when he said that he would be fair and impartial to petitioner, but psychological impact requiring such a declaration before one's fellows is often its father.” *Id.*

Indeed, the Fourteenth Amendment’s due process clause safeguards a defendant’s Sixth Amendment right to be tried by “a panel of impartial, ‘indifferent’ jurors.” *Id.* The U.S. Court of Appeals for the Eleventh Circuit has acknowledged that “[t]he trial court may be unable to seat an impartial jury because of prejudicial pretrial publicity or an inflamed community atmosphere” and that “[i]n such a case, due process *requires* the trial court to grant defendant’s motion for change of venue, or a continuance.” *Coleman v. Kemp*, 778 F.2d 1487, 1489 (11th Cir. 1985) (citing *Rideau v. Louisiana*, 373 U.S. 723, 726 (1963) and *Sheppard v. Maxwell*, 384 U.S. 333, 362-63 (1966)) (emphasis added). Further, “[p]rejudice is presumed from pretrial publicity when pretrial publicity is sufficiently prejudicial and inflammatory and the prejudicial publicity saturated the community where the trials were held.” *Id.* (collecting cases).

Here, the exhaustive media coverage about the Defendant has permeated Beaufort County, as reflected by the juror’s responses received thus far. Also, it is very unlikely that prospective jurors from any county in the Circuit have been less exposed to the Murdaugh media coverage,

than Beaufort County jurors. Transferring venue to another county in the Circuit would not be an option. There are perhaps counties located in the Upstate whose citizens have not followed the coverage of the Defendant as closely as the citizens in the Low Country; however, this is very doubtful in the present media climate.

The better course of action is to simply continue this case, and the other financial fraud cases, until at least one year after the conclusion of the murder trial. What is the rush to dispose of this case before the end of 2023? The Defendant has entered a plea in federal court to the same conduct for which he will be tried in this case. The victims will have their day in court at the Defendant's federal sentencing. Certainly, there are older criminal cases pending in Beaufort County with victims who are waiting for their rights to be vindicated. There is no good reason to try this case, or any other pending cases against the Defendant, ahead of older pending criminal cases.

Respectfully submitted.



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November 9, 2023
Columbia, South Carolina.

COURTESY OF
LUNA SHARK MEDIA

EXHIBIT A

(Sample of Potential Juror Responses)

COURT REPORT OF
LUNA SHARK MEDIA

Juror No.	Question No.	Response
■	39	I know too much history of [the] man on trial due to crime shows.
■	31	Social Media: The Behavior Panel. FYI They analyzed body language. Buster was on one.
	32	Netflix specials on Murdaugh family
	39	Yes, I have followed Murdaugh Family stories & Netflix series
	41	As mentioned before I have read/heard too much about this family and cannot be impartial.
■	39	Yes, from documentaries watch[ed]
	42	I have read and reviewed all information available to the public.
■	42	Everything that has been shown on television and in the media. Also the murder trial and conviction.
■	42	Watched HBO series, closely followed the trial, my spouse is very interested and we all discussed and followed the case extensively.
■	39	I believe he is guilty of killing his wife & son - if that counts...
	42	Watched news, listened to a podcast or two and watched the Netflix special and other streaming doc that I can't remember the name.
■	42	I have watched all documentaries about this case on Netflix. I followed the majority of his criminal case online.
■	38	No. My mind is made up on this case.
	39	My mind is made up on this case!
	41	My mind is made up on this case, guilty! What that family did is disgraceful. I wish I had a white privilege card!
	42	I've seen all the news about this.
	43	If you want an unbiased I'm not your juror! My mind is made up on this case.
■	38	No. I have been exposed to a lot of information about the Defendant.

	42	Netflix docs, news, radio
█	42	I reside in Beaufort Co. SC, any individual that has resided here for the past 9 years has read local media, even national media and followed all or some of this.
█	39	Yes. News, media, shows about this case.
	42	I have watched and read a lot if not all shows and articles about Alex Murdaugh.
█	39	Yes. (Depending on the charges brought @ trial) I believe that anyone who's heard about RM case @ this point would already have developed an opinion or bias with as many podcasts, tv shows, movies, televised trial, etc.
	42	Podcasts, watched the trial, watched the Netflix documentaries, watched the new movie, etc.
█	39	Yes. I know some of the people involved in this case and I have watched all of the documentaries about this case and I don't feel I can be fair and unbiased.
	42	I watched all the documentaries and the Lifetime movie.
█	31	Podcasts: Murdaugh Murders podcast now True Sunlight; Impact of Influence: The Murdaugh Family Murders and other cases.
	32	True Crime shows: HBO Murdaugh Documentary - Deadly Dynasty; Netflix - Murdaugh Murders: A Southern Scandal; Oxygen Murdaugh special
	38	No. Normally I'd say yes, but in this case, given the defendant, I already believe he is guilty.
	39	Yes. This case began 2 months before I moved here and I have followed it ever since.
	42	I followed the case since I moved here as the boat crash happened 2 months prior. I've been shocked that the behavior of the defendant was able to go on, and feel that he is guilty of any and all charges.
█	38	No. So much media on this person.
	42	We have followed the story as my husband is a distant relative of Alex Murdaugh. We have watched ALL news updates, Netflix series, received various updates through MIL.

█	40	I would review all evidence and facts and be objective. I obviously have read and have an opinion on Murdaugh's case though.
	42	I've read extensively and followed the case. Including the original murder trial. I certainly have an opinion.
█	40	Yes. Although I am a rule follower and believe in justice system and the law, I feel that there are consequences for actions taken against another human being when taken with malicious intent.
	42	I have watched the documentaries regarding his case. I have watched the trial and read plentiful articles on the case. I have spoken to neighbors of his relatives that grew up in Hampton County. I have spoken at length with people regarding this case, evidence, his personal testimony
█	39	Yes. If in regards to A. Murdaugh, he has been found guilty recently. I stand by that verdict.
	42	I have read, viewed, heard numerous accounts of A. Murdaugh upon moving to Beaufort County. While I am not a gossip junkie I believe he has committed despicable acts on his family, employees and associates. He is malicious and unforgivable. He should rot in prison.

LUNA COUNTY SH

STATE GRAND JURY OF SOUTH CAROLINA

State of South Carolina,

vs.

Richard Alexander Murdaugh

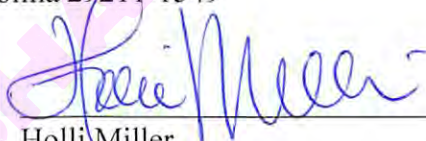
Indictment No. 2022-GS-47-30

CERTIFICATE OF SERVICE

I, Holli Miller, paralegal to the attorney for the Defendant, Richard A. Harpootlian, P.A., with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on November 9, 2023, I did serve via email the following document to the below mentioned persons:

Document: Defendant's Motion for Change of Venue

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Holli Miller