

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF COLLETON	)	FOURTEENTH JUDICIAL CIRCUIT
	)	
STATE OF SOUTH CAROLINA	)	Indictment Nos. 2022-GS-15-00592-595
	)	
v.	)	
	)	<b>ORDER REGARDING MEDIA COVERAGE</b>
RICHARD ALEXANDER	)	<b>FOR POST-TRIAL MOTIONS</b>
MURDAUGH,	)	
	)	
DEFENDANT	)	
	)	
	)	
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**PROHIBITED EQUIPMENT AND ACTIVITIES**

The Supreme Court of South Carolina has authorized presiding judges to prohibit the possession of cell phones and other electronic devices in South Carolina courtrooms when the court concludes the devices interfere with the orderly administration of justice. For this hearing, the prohibition is to include cellphones, computers, (except those used by the parties and court staff) “Smart Watches,” earbuds, and other electronic devices capable of receiving from or transmitting communications outside the courtroom; provided, however, that representatives of news organizations having assigned seating may possess cellphones and laptop computers for the sole purpose of taking notes.

With the exception of the personnel engaged in gathering and disseminating audio and visual images for the news pool, no person may photograph, videotape, record the proceeding or transmit signals from the courtroom.

Brief cases, backpacks, bags, boxes, and cases are prohibited except those in use by hearing participants and court personnel. Spectators, including news organization

representatives will be permitted to bring personal items into the courtroom provided the items are contained in a clear plastic bag.

### **PERMITTED EQUIPMENT**

Representatives of news organizations sitting in reserved seating may utilize handheld micro-cassette recorders that comply with Rule 605(f)(3)(vi), SCACR, and as provided above cellphones and laptop computers for the sole purpose of taking notes. The use of any equipment or device that causes a distraction is prohibited and may subject the user to expulsion from the courtroom.

### **POOL COVERAGE**

Rule 605, SCACR governs broadcasting, televising, recording or photographing court proceedings. That rule and its provisions will apply throughout the duration of this hearing. This Order is entered to provide information regarding pool coverage. Modifications may be required as circumstances dictate.

Court TV will serve as the pool representative for the acquisition and distribution of television images and audio. Court TV will disseminate to pool recipients its “mixed feed” which will contain images and audio selected by Court TV to reflect as accurately as possible the proceedings. Court TV will make no claim for copyright with respect to the audio and video disseminated to pool recipients. Court TV may license images and audio obtained at the hearing to organizations which are not participants in the pool coverage.

The State newspaper, and perhaps others, will provide still photography coverage of the proceedings. Still photographers will make no claim of copyright in the photographs obtained during the hearing. Still photographers will retain the copyright of any images obtained outside of the courtroom and court proceedings. To the extent possible still photographers will be

allowed to photograph for distribution to pool participants documents and other materials admitted into evidence at the hearing.

### **COURTROOM RESERVED SEATING**

The historical foundation of open courts is the belief that allowing members of the public to attend trials and court proceedings will result in fair trials, and provide an assurance to community members that the court system is operated in the public interest. South Carolina's Constitution provides that all courts shall be public, and our state's Supreme Court has consistently ruled in favor of public access to the courts of this state. Rule 605, SCACR was adopted by the South Carolina Supreme Court to expand public access to court proceedings beyond the limited number of citizens who are able to attend in person. United States Chief Justice Warren Burger, writing in the case of *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980) explained that media representatives are often provided special seating and priority of entry so they may report to the public what people in attendance have seen and heard. In service to the goal of expanding public access to the proceedings covered by this Order, the news organizations identified below will be provided reserved seats in the courtroom to facilitate the gathering and dissemination of news and information regarding the proceedings. Representatives of news organizations wishing to attend the hearing, but who do not have reserved seating, are eligible to attend the hearing on the same basis as members of the public.

Hampton County Guardian  
Walterboro Press & Standard  
The Post and Courier  
The State  
The Island Packet  
The Wall Street Journal  
Associated Press  
FITSNews  
Luna Shark Production  
Impact of Influence

WCSC-TV  
WCIV-TV  
WCBD-TV  
WTAT-TV  
WSAV-TV  
WTOC-TV  
WJCL-TV  
WVAN-TV  
WIS-TV  
WLTX-TV  
WOLO-TV  
WACH-TV  
ABC network  
CBS network  
NBC network  
CNN network  
Fox Nation  
S.C. ETV (Radio)  
Greenville News  
USA Today Network  
Law & Crime Network

#### **POOL PARTICIPATION**

It was never the intention of the Supreme Court of South Carolina to adopt a court rule requiring pool representatives to serve as remote bureaus for news organizations not present for proceedings in a case. To that end, only those news organizations with a representative present in Columbia for hearings in this case will be deemed a pool participant for purposes of receiving the Court TV feed or having access to the pool still photography.

#### **LIAISON APPOINTED**

Rule 605, SCACR provides with respect to trial coverage that “The presiding Judge may not be called upon to mediate or resolve any dispute as to...pooling arrangements.” The Court hereby appoints Jay Bender of the South Carolina Bar as the liaison representative of the Court to address and resolve any requests and concerns of pool participants and other news organizations. The involvement of Mr. Bender as liaison is at the request of the Court and is

voluntary on his part. Any concerns, questions or objections to the terms of this Order or other matters relating to news media coverage of the proceedings must be addressed exclusively to Mr. Bender directly at [jbender@brblegal.com](mailto:jbender@brblegal.com).

#### **DURATION**

This Order shall remain in effect for the duration of the consideration of post-trial motions unless modified by a subsequent Order of the Court.

**AND IT IS SO ORDERED.**



Jean Hofer Toal, Chief Justice of the  
South Carolina Supreme Court, Retired,  
Acting as Circuit Court Judge

This 3<sup>rd</sup> day of January, 2024  
Columbia, South Carolina