

Jan 03 2024

STATE GRAND JURY OF SOUTH CAROLINA

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
)
 v.)
)
)
 RICHARD A. MURDAUGH)
)
 Defendant.)
 _____)

Case Nos. 2022-GS-15-00592
 2022-GS-15-00593
 2022-GS-15-00594
 2022-GS-15-00595

PROTECTIVE ORDER

This matter is brought to the attention of the Court upon motion of the Attorney General for an order authorizing the disclosure of highly sensitive material relating to jurors to the defendant and his attorney for the purposes of providing discovery in relation to Defendant’s pending Motion for a New Trial. Defendant Murdaugh was found guilty by a Colleton County jury on March 2, 2023, and sentenced to life imprisonment by the Honorable Clifton Newman on March 3, 2023. International interest in the case remains high.

A protective order is particularly justified in this case. The South Carolina Rules of Criminal Procedure expressly authorize a broad range of protective orders in the discretion of the judge where they are justified: “Upon sufficient showing the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate.” Rule 5(d)(1), SCRCrimP.

In response to the allegations raised, the South Carolina Law Enforcement Division has interviewed numerous jurors and collected video recorded statements which unavoidably reveal their identity. It is essential to the protection of these jurors that their identities remain secret, and essential to the legitimacy of the judicial system of South Carolina that the rights, privileges, and common dignity of its citizen jurors be zealously

guarded. Nonetheless, the State has agreed to provide the results of any SLED investigation into alleged influence on the jury in this case to Defendant as long as a protective order was put in place to protect those identities and preclude dissemination of the material. The State has also moved for and requested in the interest of fairness reciprocal discovery from the defense on issues related to the defense's motion for a new trial, and has similarly agreed to be bound by a protective order.

Accordingly, any order releasing this juror-related material to the defendant is strictly being provided only for purposes of preparation for any potential hearing on Defendant's Motion for a New Trial in the above-captioned case. Any other use or disclosure would be improper.

Accordingly, IT IS HEREBY ORDERED that any disclosure to attorneys and attorney's necessary staff for Richard A. Murdaugh of evidence received by the South Carolina Law Enforcement Division from or in relation to any one or more of the jurors who participated in the above-captioned trial, and any other related interviews of witnesses and other documents, is being provided only for purposes of preparation for a potential evidentiary hearing of the Motion for a New Trial in the above-captioned cases, and any other use or disclosure by attorneys for Richard A. Murdaugh is strictly prohibited.

Attorneys and necessary staff of the attorneys for Richard A. Murdaugh are prohibited from showing them to anyone other than the defendant, the attorney, and other necessary staff employed within the attorney's office, and necessary staff of the attorney are similarly subject to the provisions of this Order. It is the responsibility of the attorney to ensure any staff to whom disclosure is made is aware of and complies with the

provisions of this Order.

IT IS FURTHER ORDERED that attorneys for the defense and necessary staff attorneys for the defense who receive disclosure of the search warrants and related materials pursuant to this Order, are all bound by the secrecy provisions of this Order and subject to contempt of court for any willful violation of these secrecy provisions.

IT IS FURTHER ORDERED that the State is entitled to reciprocal discovery from the Defendant on issues relevant to the motion for a new trial. The State similarly shall not redisclose the discovery except as is necessary to fairly investigate, prepare, and litigate the case.

This Order shall not be interpreted to prohibit attorneys for the Defendant and for the State, and law enforcement personnel from communicating with witnesses and potential witnesses, and their representatives, in order to prepare for any hearing. This order does prohibit dissemination of copies of any of the discovery to anyone, including jurors or their representatives.

Nor shall this Order be construed as prohibiting the State from continuing to interview witnesses, obtain evidence, by subpoena, warrant, or any other means, or prepare and present grand jury testimony for investigative purposes relating to this case, or any other matter involving the Defendant. This Order does not prohibit the State or the defense from communicating with representatives of witnesses or representatives of entities which may possess relevant evidence. This Order does not in any way prohibit the State, prosecutors, law enforcement, and their victim advocates from discussing all aspects of the case and consulting with victims and their representatives consistent with the spirit of the State's constitutional and statutory obligations pursuant to S.C. Const. Art.

I § 24 and S.C. Code § 16-3-1505 *et. seq.*

IT IS SO ORDERED.

Chief Justice (Ret.) Jean Hofer Toal
Presiding Judge

_____, South Carolina

_____, 2023

I SO MOVE:

S. Creighton Waters
Chief Attorney
State Grand Jury Section

COURTESY OF
LUNA SHARK MEDIA