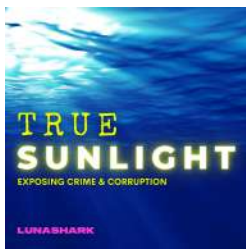


EPISODE 10: Russell Laffitte's Sentencing: The Audacity of Accountability

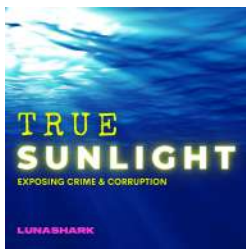
[00:00:03] **Mandy Matney:** I don't know why Judge Gergel ultimately decided to go easy on Russell Laffitte with a seven-year prison sentence, but after dissecting the arguments made in court on Tuesday, and after taking a closer look at who the \$3.55 million dollar restitution will be paid to, I've lost a lot of faith in the federal government and its ability to treat privileged defendants like anyone else. And I'm worried about the message the federal government is sending when it comes to Alex Murdaugh's co-conspirators. My name is Mandy Matney. This is *True Sunlight*, a podcast exposing crime and corruption, previously known as the *Murdaugh Murders* podcast. *True Sunlight* is a LUNASHARK production written with Journalist Liz Farrell.

[00:01:10] **Mandy Matney:** So I wanted to start off today by saying thank you for the amount of positive feedback and momentum that we've received since we officially started our coverage of the Grant and Gracie Solomon case. Liz, Beth and I have each received a ton of tips and leads already and let me tell you, we have a lot more coming with that case. And we will be back at it next week, I promise. This week, we need to focus on what happened in federal court with Russell Laffitte. Tuesday, August 1st, 2023 was a long and emotional day beginning to end. It was supposed to be a day of closure and a day of reckoning for those who enabled the monster known as Alex Murdaugh. On the drive to Charleston Tuesday morning, I thought a lot about the last four years. I thought about all the dominoes that had to fall for this day to come, the day when Russell Laffitte was finally held accountable for conspiring with Alex Murdaugh to steal millions of dollars from his most vulnerable clients. On the way to Charleston, we have the infamous Parker's gas station where Paul Murdaugh illegally purchased booze with his brother's ID hours before Mallory Beach lost her life in February 2019. We passed the bridge where 911 responders were sent to by accident on that chaotic night that Mallory disappeared. The drive, which includes a large hunk of the route that I used to take to the Beaufort County Courthouse, always reminds me of 2019, and I think it always will. I thought about the drive to the Beaufort County Courthouse to get proof of Paul Murdaugh's previous alcohol charge, the one his father and Cory Fleming helped scrape off his record. The one that should have been a warning sign to Paul's parents that his drinking was out of control and that they needed to correct it before someone got hurt. I thought about the day Paul Murdaugh first appeared in court and how different his bond hearing went from most other defendants charged with three felonies. I remember watching Alex Murdaugh shamelessly parade around the courtroom for his son's bond hearing, shaking hands and patting backs like he was the mayor of the 14th circuit. I remember the empty look in Maggie Murdaugh's eyes as she sat behind her son, her son who was never handcuffed, never forced to wear a jumpsuit and never



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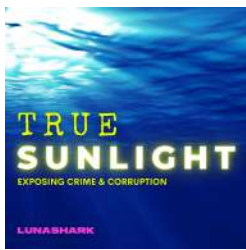
processed in jail. I thought about how angry we were leaving the courthouse that day and how little faith we both had in the system to ever hold Paul Murdaugh accountable. Liz and I vented the whole way home about how much grace the state was giving Paul Murdaugh and how many people we have seen cuffed and booked into jail for less serious offenses like public intoxication, and this one always surprises me, pedestrian on a highway. People actually go to jail for that. I then thought about everything that has happened since 2019 that finally led us to Russell Laffitte's day of reckoning. Honestly, Liz and I both had a lot of the same emotions at the end of Tuesday that we did at the end of Paul's first bond hearing: anger, rage, disappointment, and mostly, that fiery feeling inside wanting to right all of the system's wrongs. I thought about all of the chances Russell Laffitte had to make things right before it all fell apart. All of the times that Russell had to ignore what the news was saying about his pal Alex Murdaugh, and all of the times that he could have come clean to his clients and the feds about what he did but chose not to. I thought about all of the people who enabled Alex and how much work the system has to do to make sure that never happens again. It wasn't just Russell who chose to see Alex Murdaugh for what he did for him, not what he did to others, it was a whole system of people who allowed Alex Murdaugh to steal millions from his most vulnerable clients, a system that needs to change. It shouldn't have taken this much for these men to fall. Time and time again they were given the deference they didn't deserve. Time and time again people around them supported them and stood by their actions, no matter how horrific. Which brings me to what happened in court on Tuesday. I didn't know what to expect at Russell's sentencing. You'd think by now I would have known to be prepared to say the words 'the audacity' a lot when it comes to Russell, his attorneys and his supporters, but there I was in the media overflow room, mouth agape, trying my best not to audibly scoff at some of the things being said on Russell's behalf. I realize that Russell, like everyone else, has the right to a defense and has the right to ask those who love him to speak for his character, but as someone who has taken the time to talk with Russell's victims, and taken the time to fully understand the extent of what Russell did, and as someone who is really hoping for a reckoning to happen in the wake of the Murdaugh mess, specifically when it comes to society enabling powerful men and holding them accountable when their actions hurt others, I found the whole thing yesterday to be appalling. It was appalling to hear from Russell's closest loved ones who didn't seem to grasp the severity of what he did, and continue to define his character for how he treated them, not how he treated his most vulnerable clients. It was appalling to hear Russell Laffitte himself finally muster up a half apology to the victims on the only day when that apology could benefit him. It was appalling to hear again how much pain



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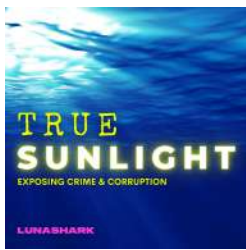
Russell has caused the Plylers and the Pinckneys, and how their old wounds will not close because of what Russell did and how long it took them to know the truth. Throughout the day, all signs from Judge Gergel indicated that his sentencing would be severe and send a message that this type of complex crime that requires years of bad decisions will not be tolerated. He used strong language such as incredibly cruel and quote, "a serious and severe abuse of public trust," to describe exactly what Russell did. If there was a scoreboard to track Tuesday's arguments and testimonies, it felt like the state was ahead by at least 50 points in the last quarter, right before Judge Gergel delivered Russell's surprising sentence of 84 months in federal prison. He ordered Russell to pay \$3.55 million dollars in restitution, which we will talk about the problem with that later in this episode. Seven years in prison just doesn't feel fair when it comes to the cruel and complex crimes that were described in court. Just a quick scan of the district of South Carolina's US Attorney's Office website will show you that a lot of federal defendants have gotten more time for less serious crimes. Like last week in South Carolina, a man was sentenced to 160 months in prison, nearly double the time that Russell got, for marijuana possession and possession of a gun as a felon. At the end of the day Tuesday, I felt silly for hoping that the system was changing, that men like Russell would no longer be able to throw their money and power at the system to get their way, but I was wrong. This is a man who was offered plea deals of 70 to 80 months, but refused because he would not admit guilt or accept responsibility for his actions. Instead, he hired two of the state's biggest law firms to fight his charges at every single turn and he wasted a significant amount of the federal taxpayers time and money. And all of that ultimately worked in his favor. Because here's the thing, Russell's team did nothing extraordinary. Russell was not impressive. His supporters' words were hollow and lackluster. Judge Gergel at no point seemed to even lean in the direction of Russell's favor. He emphasized over and over how complex and cruel the crimes were and he made the point several times that these victims, who were taken advantage of, were stolen from in their most vulnerable periods of life. Yet, Judge Gergel ultimately decided to give Russell Laffitte a lot of grace when it came to sentencing. He decided that going easy on Russell Laffitte was more important, for whatever reason, than it was to send a message to the system and to Alex Murdaugh's co-conspirators. The question is, why? And will this ever change, if not now?

[00:11:05] **Liz Farrell:** Russell Laffitte as a person, at first glance anyway, is the least interesting of all the Murdaugh supervillains. He is very slouchy and unambitious looking, and he has a face you could easily draw with a broken pencil on an old napkin. That's what he looks like now, anyway. Now that he is wearing double ankle



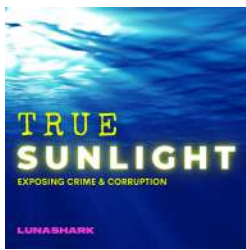
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monitors and is officially a federal felon awaiting his surrender date from the Bureau of Prisons. All because of his privileged twin, Alex Murdaugh. Before the summer of 2021, Russell was presumably a much different man. He was still in the honeymoon phase of inheriting his father's role as bank president. He was 18 months away from becoming chairman of a national group of community bankers and his bank was flourishing because of the influx of deposits it was getting from PPP loans. All Russell Laffitte had to do to keep that life was saying no to a financially-reckless, raging lunatic of a murder suspect, not try to cover up the tracks of his own past mistakes with said murder suspect. Be forthcoming with law enforcement about what was really going on there, even if it implicated people he cares about. Admit to his pathetic role in the whole thing and say a sincere and robust sorry to the victims. If he had done those things, we might not be talking about him today, but he didn't. Instead, he chose to put on his rich-man parachute and spend the past two years floating around the sky looking for some soft pillows to land on. Now, even though a seven-year sentence is seven years longer than Russell apparently thinks he should spend in prison, his escape plan was sadly successful, all things considered. So first, it is rare for a federal judge to agree to what's called a downward variance in sentencing, meaning it is unusual that Judge Richard Gergel chose to sentence Russell to 84 months, a full two years less than the minimum time the advisory guidelines recommended. That recommendation, by the way, was 108 months to 137 months, or basically nine to 11 years, and that even seemed low to us. The way it works in the federal justice system is much different from how it works in state circuit court. In the latter, a defendant who is found guilty is immediately taken into custody and is usually sentenced immediately afterward, or within a day of the verdict. After Russell's conviction in November of last year, it took eight full months for him to be sentenced. Why? Because the US probation office had to put together what is basically a dossier on Russell's crimes and his history, and yes, he remained free during that time. Okay, now, the pre-sentence report is presented to the judge with a recommendation on sentencing based on a number of factors, including whether the defendant is an otherwise decent person and whether the defendant has accepted responsibility for his actions. And this is the gross part, the report is confidential. The public doesn't get to see what factors the government is considering when it comes to taking away a person's freedom or allowing them to retain their freedom. They literally take time to analyze the guilty defendant to decide where to place them and for how long, as if he's being admitted to some elite program for top soldiers and not a dumpy collection of cinder blocks. After the report was put together, Russell's new team of attorneys took it down to the studs, isolating every word in it and looking for ways to wear down the judge with incessant and



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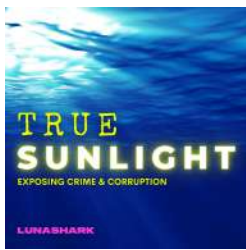
infuriating arguments. Here's what I mean by infuriating: I want you to picture a 12-year-old and a plate of cookies. You've told the 12-year-old he can have one cookie. Instead, the 12-year-old has eaten one cookie and taken bites out of every remaining cookie because you never said he couldn't and technically he followed your order by eating one. And also technically, he didn't eat more than one cookie because all the other cookies are technically still there. Plus, you didn't define what a cookie is or what you meant by one. Additionally, you didn't take into account the other night when you allowed him to have two cookies, but he secretly took four and then put one back. So really, he has a whole cookie in reserve, and that should count toward this. So therefore, in conclusion, he should not be punished for what he has done or be required to replace the cookies. And anyway, the baker has since died, so basically, no crime has been committed. That is how Russell's new team of attorneys argued his case for a lower sentence. And what's crazy, Judge Gergel indulged them in that. What's even crazier is that we spent almost seven hours in a courtroom because of it. Seven hours. From what we're told that's highly unusual, but we'll get into that in a second. First, let's talk about the people who showed up for Russell Laffitte. The day before the sentencing hearing, the court published a 35-page document containing letters written to the judge on Russell's behalf asking for leniency. About a third of the document was fully redacted, meaning we couldn't see who sent those letters or what those people said about Russell. It's not clear who did the redacting, but the idea that these secret letters were considered by a judge who then gave Russell a sentence outside of and lower than the recommended sentence, is a disgusting one. Every case related to the Murdaugh saga is one in which the players are not only called upon to do better by the public, but to show us that no one can buy their way out of accountability. That the system isn't for sale even though it's so very much is. So this makes us angry. For instance, did Russell get support letters from legislators? From people with power? Did P.M.P.E.D. partners write letters on his behalf? Did Palmetto State Bank Board members write him secret letters in support of a lighter sentence? Were any of the letter writers connected to Judge Gergel in some way? Was all of this a farce? We all know that there's more to the P.M.P.E.D. and Palmetto State Bank story, and we all know that the powers behind the scenes are doing their very best to minimize their own exposure. And like we've said in the past, Russell might be a tremendous scoundrel, but he sometimes seems like a sacrificial scoundrel. The guy who they, meaning the group of powerful men who are so close to being caught because of what Alex did, decided to offer up to the feds to distract investigators and the public while satisfying the optics of accountability. On Tuesday, a good bit of time was spent on listening to nine people who shared stories of why Russell is too good of a person to be put behind bars for very long. And there were



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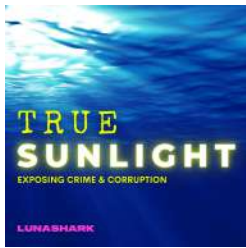
some bizarre moments. Moments that demonstrated how insular Russell's bubble is in Hampton County, how absolutely out of touch and self-absorbed the people in his world are and how low their standards are for the people they consider their own. For instance, there was Russell's friend who said his daughter had what he termed a quote, "little-girl crush on Russell". A little-girl crush on a grown man. If you think we're making too much of that statement, then consider the idea of a little-boy crush on a grown man. Yeah, exactly. It's not something that would get said. There was another way to say that but it doesn't matter. The main point Russell's friend made was this, Russell was great because he once taught this man's daughter, by wrapping his hand around his little girl's hand, according to the friend, to make a turkey call. Russell helped her make a sound. That's it. It reminds you that time at Russell's state bond hearing when his attorney joked that the only ones in danger of Russell remaining free on bond are turkeys.

[00:19:05] **Mandy Matney:** Anyway, this was a theme. Russell's supporters said a lot but also nothing at all. Their words were empty, their examples unremarkable. His mother told the story about how she once got into a scary single-car wreck and Russell came to pick her up from it. That's it. That was a thing he did that was considered above-and-beyond kind. He picked his mother up from the side of the road in an area where he lives. His best friend doubled down on this by using his time at the podium to recount at least two times where Russell did the same thing for him and towed his car and boat. Russell's wife Susie basically gave a reread of the statement she gave last September when she appealed to the judge to change the condition of Russell's bond. Russell is a father, husband, son and uncle. Uncle known as "Unc". They said that a lot. We have heard this over and over. Russell should get less time because he is a person in relation to other people. 20 years ago, he bought a shirt and a jacket for a woman to wear to his wedding, and 10 years ago, he bought a belt for a kid with droopy pants in Little League. And did you know he ran concession stands for the school? Two pastors also spoke on Russell's behalf. Neither of them was Russell's pastor, which we thought was very notable. One of the two pastors was someone who had reached out to Russell after the public learned about his role in Alex's schemes. This man commented on how he came to minister Russell. First, he called Russell's mom to get his number. Then, he called Russell to see if he could come over. Then, he drove to Russell's house where Russell's wife Susie was outside doing yard work. He called it a "strange event for Susie." He said, "Here it is. A black man driving up to your house, and I don't know who you are." This man was going out of his way to offer redemptive counseling to a man he barely knew, doing an actual act of kindness. And it apparently occurred to him that his skin color could



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be a source of alarm to Susie. The fact that he mentioned this with a chuckle, as if this is just a funny thing, shows us exactly what life is like for Russell and Susie and Hampton County. Then there was the other family banker, a man who lives in Georgia, who gave an emotional statement about how Russell, someone he knew through the banking industry, reached out after hearing that a teenage boy with the man's last name had been killed in a boat crash. It was the man's son. He said Russell continued to reach out and regularly check in on him two years afterward, at the time when he was losing friends because he didn't know how to deal with his grief. He also recounted the time his neighborhood lost power for weeks after Hurricane Michael came through, and how Russell unprompted, drove to him with a generator that powered his home and allowed him and his family and their neighbors to take hot showers. He talked about how Russell and Russell's daughter helped clean up the family's yard and how Russell sent a tractor down to him to clean up his entire property and the properties of his neighbors. So, not to be cynical, because that is a heartening story, and really the only story that had any sort of concrete, above-and-beyond action attached to it, but this man was someone who looked like Russell, and his life Russell could relate to. In other words, Russell was helping one of his own, and because of this man's connection to Russell's industry, he was probably ultimately helping himself there. It stands in stark contrast to how he helped the Plyler sisters, Natasha Thomas, Hakeem Pinckney, Malik Williams and the Badger children, all of whom had come from economic disadvantage. All of whom were experiencing actual life and death trauma. All of whom look different from him. As Justin Bamberg later pointed out, "Ain't it funny how much effort Russell put into helping some people but not his own clients," his own clients who he had an actual duty to help. He took money from them to help them and he helped none of them. Instead, he loaned some of the money at high-interest rates from the bank and built himself a swimming pool with low-interest loans taken from Hannah Plyler's account. If you want to know Russell's character, all you need to know is this: during the hearing, Judge Gergel and Emily Limehouse discussed one of the most revolting and offensive arguments made on Russell's behalf in an attempt to get less time in prison and owe less money. One of the factors, apparently, considered in determining how long Russell should be behind bars, is whether his victims were considered vulnerable individuals. Hakeem Pinckney, as you'll remember, was a deaf man made quadriplegic in a car wreck. He died shortly before his settlement came through. Russell took \$60,000 to serve as his conservator and Russell's attorney Mark Moore argued that because Hakeem had died, and because he was no longer a living, breathing human, that Russell could not have taken advantage of a vulnerable person, because Hakeem was no longer a person. He was a dead body. You got that,

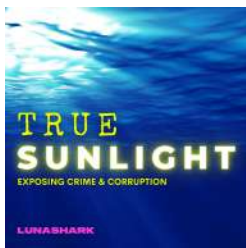


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right? In an attempt to shave months off his sentence, he apparently argued that Hakeem shouldn't count against him, because Hakeem was dead when the crime occurred. Now, two things here. One, you might remember from that Hakeem Pinckney episode about a year ago today—literally one year ago today on August 3rd, 2022—that more than a month after Hakeem's death in 2011, Russell filed paperwork to set an annuity for Hakeem. Think about that. Hakeem's life was and is nothing more than means-to-an-end for Russell. And the second thing is this, that argument was apparently made in a motion and memorandum that the court allowed Russell to seal from the public. Russell's attorney said the motion was chock-full of information from the confidential pre-sentence report but it would be impractical to redact it. Journalist Drew Tripp from ABC News 4 in Charleston wrote a letter to Judge Gergel to ask the court to reconsider its decision and instead offer a redacted version for the public. Here is David with an excerpt from that letter.

[00:26:45] **David Moses:** “Beginning with the relation to historical public interest, it feels disingenuous to downplay public stake in the fate of Russell Laffitte, who has been well-established in your honor's court as a chief enabler and willing co-conspirator to one of the most depraved and notorious criminals in state history. Given the reprehensible nature of the crimes in question, it's rather insulting to the public's intelligence. Laffitte's crimes continue to have a broad, sympathetic impact on public and consumer trust, beyond the direct impacts of his exploits on his victims.”

[00:27:31] **Liz Farrell:** On Monday, Russell's lawyers filed a redacted version of the motion-slash-memo. It's not clear how much of this motion-slash-memo matches the original because less than 10% of it ended up getting redacted. So, that means either their earlier reasoning was a bunch of nonsense, or they cleaned things up a bit for the public. One thing that is not in there is the Hakeem argument. Instead, there's a footnote that says, quote, “Mr. Laffitte formally withdraws his objection to the vulnerable victim adjustment.” This is why judges need to do better when it comes to allowing attorneys to seal documents. And while we're grateful that Judge Gergel and Emily Limehouse mentioned the Hakeem argument in open court so that we could learn about it, this is a great example of how much attorneys tried to get away with when the public isn't watching. They knew it wasn't a good look and they did it anyway because they knew no one would see it, except for the judge and the prosecution. The question about why Judge Gergel might have allowed this to be sealed in the first place is one we might have an answer to. But first, we want to talk more about the victims.



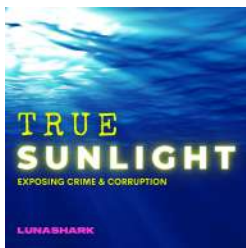
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[00:28:43] **Mandy Matney:** On Tuesday afternoon, the tables turned when the victims had a chance to speak. I wish I could have recorded it, but you know, the feds apparently do not want the people to know what goes on in their courtrooms and they don't allow us to record it. I have to tell you that Natasha Pinckney, Pamela Pinckney, Hannah Plyler and Alaina Plyler all took the air out of the room when they spoke. Their words were powerful and they cut through all of the nonsense in the air. It reminded everyone that we were here for a reason, for the people who have suffered to get justice. On Wednesday, I caught up with Elena Plyler and we talked about what it was like for her and her sister to speak on Tuesday, and what it was like to listen to the other victims. Elena and I agreed, Pamela Pinckney shook the room. Hearing her say the words quote, "Mr. Russell Laffitte wronged us. He shattered my heart. I will never heal from this. Every day I wake up, I'm living my son's death over and over again." There is real accountability in those words.

[00:30:13] **Alaina Plyler:** Pamela's statement moved me to tears. I felt so much emotion from her. I felt her pain and being a mother to, to a son—Mandy, my heart broke for her. Actually, after everyone had gone and said their victims' impact statement, we took that 10-minute break and I went and spoke, and I sat in the room with Pamela, and she moved me to tears. I told her, I said, "I'm sure you hear this all the time but my heart absolutely breaks for you." Losing a child, I just, I can't imagine. I just absolutely cannot imagine. And to hear her pain every single day, she was just done so wrong, just like the other victims of this whole situation. Like it's just, it's unbelievable, the amount of pain and suffering. And it's every day. This is not like a broken arm that'll get fixed in a couple of weeks. Like this is an every-day hurt. An every-day pain for the rest of our lives. I was very moved by her. All I could do was hug her. That's all I could do is just hug her.

[00:31:31] **Mandy Matney:** And there were some good that came from that Tuesday. Alaina saw her sister Hannah, who has stayed very quiet throughout this process, work up the bravery to deliver her statement about how Russell's crimes have hurt her.

[00:31:48] **Alaina Plyler:** When she was reading her impact statement, I was so proud of her because, as you know, that's not like her to get up in front of people. She just doesn't know how to handle that—that environment. And as she was reading, you could tell that, you know, her words started cracking a little bit. Her emotions are starting to come. Mandy, by the time she got probably halfway through reading her



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statement, it broke my heart because she was shaking, her arms were shaking so much. It looked like she was almost like a seizure. She had just gotten so worked up about it. But that just shows, that's the, that's almost like the symptom of this big picture. You know, that's what, that's her physical symptom you can see. Even Justin Bamberg, he told her, he said, "Hannah, you're my girl," he said, "You know, I saw your arms starting to shake and I was back there rooting for you," because we just didn't know if she was going to be able to finish. So, I am so proud of her. She got through it and she said what she needed to say. I'm just, I'm just beyond proud of her because I know it took a lot of strength and a lot of courage for her to get up there and do that.

[00:33:13] **Mandy Matney:** And Alaina got her time to speak too. In front of the court, in front of the media, in front of Russell. Her words shook me to my core.

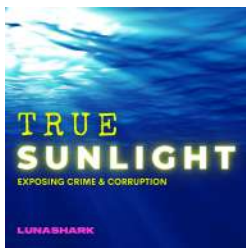
[00:33:25] **Alania Plyler:** I was telling the judge and the courtroom, some of the most influential people in the Lowcountry took advantage of me and I was just a little girl. I was an easy target and I was vulnerable to all of those men.

[00:33:41] **Mandy Matney:** She reminded the audience that she was a little girl when this happened to her, and she was not the confident, grown law enforcement officer who she is now.

[00:33:54] **Alania Plyler:** I was more so speaking on behalf of—I call me the little girl and that was that helped me a lot—because I was like, "That little girl needs to be heard. That little girl, somebody needs to speak up for her, because no one else did." And the person that is speaking up for that little girl is that little girl 15 years later. I like to call it my inner child and I still take care of my inner child because she didn't have that love and that security at a little age. So in my heart, that little girl still lives and I take care of her there.

[00:34:38] **Mandy Matney:** Alaina said she was glad that the victims got to speak because she could feel their message getting lost in court on Tuesday after Russell's long lineup of supporters. She said she wished his supporters had more concern about how he treated people outside of their circles, and she hopes people realize that people like Russell can be very nice to some, but they can also be awful to others. And those are the scariest individuals in society.

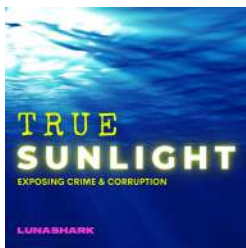
[00:35:14] **Alania Plyler:** And those are some of the most dangerous people. Nice to you in your face. Same way in law enforcement, you know, they teach us that the



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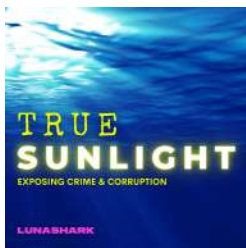
most dangerous people are the ones who seem overly nice or the ones that are just kind of sitting there, because you don't know what they're planning. And I think that that fits this situation perfectly. Russell, and even listening to him talk in the courtroom, and just, I mean, every time I hear his voice—it's like burned in my brain because of all the phone calls and things growing up—he sounds like a nice guy. And those are the ones that can hurt you the most. Alex, the same way. You know, that was something that was explained about Alex is he was he would talk to anybody, and those people that are the most dangerous because you wouldn't expect it

[00:36:22] **Liz Farrell:** Okay, so now for the really, really nasty part of all of this. As part of his sentencing, Russell was ordered to pay \$3,555,884.80 in restitution. That's great, right? That money goes to the victims, right? Sort of. The victims who will be getting that money are apparently *Peters Murdaugh Parker Eltzroth & Detrick*, the law firm. Oh, also, Palmetto State Bank. Yep, That's right. Elena Plyler, Hannah Plyler, Natasha Thomas and Pamela Pinckney all bared their souls in front of the court to tell the judge how Russell's actions had affected them. They talked about what they lost emotionally, they talked about the pain he's caused the mentally, and how they have had to relive the worst moments of their lives because of this. And no one, no one, not from P.M.P.E.D. and not from Palmetto State Bank, the so-called victims who will be receiving millions in restitution from Russell (i.e. his friends and family members), stood up to speak out against him. What's worse is Prosecutor Emily Limehouse was able to get Judge Gergel to agree to preventing Russell from liquidating some of his assets so that he could prioritize paying P.M.P.E.D. and the bank over everything else. According to a July 25th memo from Emily and her co-counsel Katie Stoughton and Winston Holliday to the US Probation Office, P.M.P.E.D.'s restitution request was for almost \$1.9 million dollars and the bank's was \$2.3 million dollars. Originally, the government was asking for \$1.5 million dollars for P.M.P.E.D. and \$2.8 million dollars for the bank. As of right now, we are not clear on the final breakdown of what P.M.P.E.D. will get from that \$3.5 million total restitution that Russell was ordered to pay on Tuesday. But let's talk about this. P.M.P.E.D. lost money because of Alex Murdaugh, their partner, and P.M.P.E.D. had a duty to protect Alex's clients from Alex. According to the memo the US Attorney's Office made public on Monday, P.M.P.E.D. wanted \$122,000 for something called investigation costs. Investigation costs. An investigation that they themselves were obligated to conduct because of what Alex did. And the bank wanted \$702,000 for their investigation costs. I mean, guys, this is outrageous. No one from the firm or the bank even spoke out on Tuesday. Yet, they will be paid handsomely for their own mismanagement and negligence. And here's the kicker, our federal prosecutor advocated for this, for the law firm that includes



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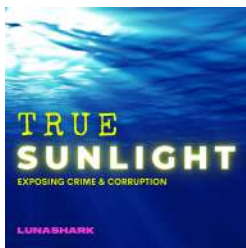
Danny Henderson as a partner, you know, the father of her colleague and good friend Carra Henderson, who is a liaison for the 14th Circuit Solicitor's Office to the US Attorney's Office. Danny Henderson is the man who sat in the backseat while Alex lied to SLED agents the night of the murders. He is the man who Mark Tinsley says would have looked at Alex's finances before they got sent to Mark. He's the man Mark said Alex would have been fearing the most when it came to his finances getting exposed. Danny Henderson is the man who seemed to still be protecting Alex, even after finding out Alex had stolen millions from the law firm. So was this nothing more than a Trojan horse? Is this part of the cyclical Hampton County economy that we talked about when we talk about the Murdaughs, where the money circulates amongst their own? Because that's really what this is all about at its heart, is taking care of their own. The men and women at P.M.P.E.D. and Palmetto State Bank hid behind the victims Tuesday, as far as we're concerned. And when you look at this from certain angles, something just isn't right. Remember how much Alex was allowed to take advantage of Palmetto State Bank throughout the years? And the reason given for that was because of how many millions of dollars he and the law firm had brought in business for the bank. The bank happily benefited from Alex and the law firm for decades. Any loss that happened as a result of the ongoing cozy relationship should be on the bank, in our opinion, not just on Russell, though. And don't get us wrong, Russell should do the time for his crimes, but wow. And back to P.M.P.E.D., we get that they have a right under the law to receive restitution as victims, but morally we object to it. In our opinion, this problem exists because of how they themselves operated as a firm. Why did it take them so long to figure this out? Russell is ordered to pay them back without interest and at \$2,000 a month. Honestly, if I were him, I'd pay them in rolls of pennies dumped at their front door. Now let's talk about that sentence and what Judge Gergel might have been doing there. So it turns out the government offered Russell two post-conviction plea deals for six years, and we believe, five years respectively. I say we believe, because the government wants to charge us \$1,000 for the transcript of this hearing. That's right. Courts are meant to be open to the public, but you can't record anything, and you can't film anything in federal court. And they refuse to allow any streaming except within the building. It makes little sense when you're talking about the importance of transparency and the great public interest in keeping our courts open to the public. It keeps them honest. But it makes a whole lot more sense when you find out that they want \$5.45 a page for a copy of the official record of what happened in one of the biggest cases in South Carolina. In any other context that would be called private enterprise or a shakedown, but I digress. Back to the original point. There have been so many strange occurrences in this case, so many unusual situations, and



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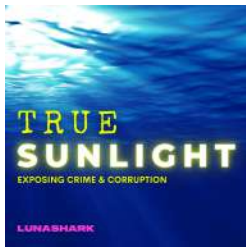
here's yet another. Two post-conviction offers for a plea deal. What? Why? We're not actually sure, but one reason could be about Russell's ability to appeal and get his conviction possibly overturned. Had he taken a post-conviction plea deal, the language in that deal would have strongly limited his ability to pursue an appeal. Which brings us to the next thing, that paltry seven-year prison sentence and why we think it might be so low. Because again, it is unusual for a federal judge to go for a downward variance. Judge Gergel gave Russell's attorneys a nice win there. He also made it a point to repeatedly compliment Mark Daniel and Matt Austin who were Russell's original defense team. He allowed Russell's new attorney Mark Moore to get super gabby in the courtroom on Tuesday. He also quite consciously told Mark that he found the Hakeem argument they made to be awful and the most offensive argument he's ever heard, but also was clear that he didn't hold it against Russell, even though he knew Russell had been very involved in his own defense and likely had signed off on it. Oh, and Judge Gergel totally brushed off Russell TV and didn't see it as evidence that Russell was not taking responsibility for his actions and evidence that he had no remorse or no respect for the court. In the meantime, Judge Gergel consistently used strong language that condemned Russell's actions. Over and over he would remind Mark Moore that the reason we were there was because of what Russell did. He didn't give any wiggle room on that. So, when Mark Moore tried to explain why Russell hadn't shown greater remorse prior to Tuesday, and it's sort of explained as being a function of these other charges that he has against him coming up in the state, Judge Gergel reminded more that there was a way for Russell to have demonstrated his remorse and his willingness to take responsibility for his actions. And that would have been to plead guilty, but he didn't do that. Judge Gergel ended up giving Russell a whole lot of grace in the end. And why is that? Could it be because Judge Gergel is playing chess? Could it be him protecting his own record by forcing Russell into a Hobson's choice? Because seven years is actually a great deal for Russell and if Russell appeals that decision, he risks getting a bigger sentence than that. It's especially risky given that his sentence is below the recommendation. We have to ask if this was a strategy on Judge Gergel's part to sort of prevent Russell from pursuing an appeal, because we're not actually fully convinced that Russell's appeal wouldn't have legs to it. That last minute replacement of jurors has had us worried for some time now.

[00:45:20] **Mandy Matney:** So was Tuesday's hearing seven hours because it was an exercise in prevention? Did Judge Gergel allow the defense to seal their sentencing motion so he could not be accused of being unfair to Russell? Was Judge Gergel trying to save taxpayers money by effectively putting the Russell case to bed for



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now? If so, that's great. We love saving taxpayers money and time. But still, this doesn't feel right. What we've learned from all of this is that the federal justice system seems to operate according to the high-paid defense attorneys. Every step of the way feels painstaking in an effort to outsmart the attorneys, which we get. We want that, right? But Russell was allowed to live at home since becoming a convicted felon eight months ago. The pre-sentence report took months to produce and that seems like an excessive feature of the process to us. We get that all defendants, people who will lose their freedom for an extent of time because of their own actions, probably benefit to some degree when the judge sentencing them gets to see a full, well-rounded view of their lives and what led them to this point. But at what point does this inefficiency become a problem? Also, we are sick of hearing the argument that white collar criminals deserve a gentler consideration when it comes to judicial accountability. A few times on Tuesday, Judge Gergel mentioned that his sentencing of white collar criminals should serve as a deterrent to others and that these people wouldn't commit these crimes if they knew it could get them prison time. But come on. If that were true, we wouldn't be talking about this right now. White collar criminals tend to be the type of people who think they won't get caught, and if they do get caught, they can get out of it, usually, by throwing money at the problem. And that is exactly what Russell and his family seem to believe. Another inefficiency of the federal system is this: Russell still isn't in prison. The judge is recommending his self-surrender and he is recommending that Russell go to a prison about an hour away from his home in Georgia. Also, he mentioned offering Russell a place in prison rehab for drug use. This is the first we're hearing of any potential drug use issue with Russell, so we're not sure what, if anything, that means. From what we understand, it will likely be about a month before Russell has to report to prison. It's really unbelievable. And that is what a pillow-padded landing looks like. Anyway, the point is this: the only remedy for the slow and seemingly permissive system that seems to favor rich defendants is transparency. Federal courts need to fully reconsider how they operate when it comes to making what happens in those courtrooms open and accessible to the public. Sealing records should be rare. Proceedings should be filmed for the record. Russell Laffitte's sentencing should have sent a message. It should have rocked the world of everyone connected to the Murdaugh case. Instead, it's another lesson that our justice systems are susceptible to money, power and access. And the fact is, too many people profit from it for there to be internal motivation for change, so we have to keep calling it out when we see it. In court on Tuesday, Judge Gergel said, quote, "If we don't have accountability, then we don't have the rule of law." I realized this week that accountability comes in many forms. For Russell, seven years in prison, and having the world know exactly what he did,



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and having to face his victims, and hear just how much he heard them, I hope that that makes him remorseful, and I hope that that changes him. For Alaina Plyler, now a law enforcement officer, she said that those words about accountability stuck with her.

[00:50:03] **Alania Plyler:** But one thing that really impacted me, something that Judge Gergel said. You know, as we were listening to all the character statements and everyone speaking on behalf of Russell, pretty much saying, "don't send him to jail," or "don't send him to prison, send him home," or even "do the lightest sentence." I loved when Judge Gergel said, you know, "If we don't have accountability, then we don't have the rule of law." And that hit me like a ton of bricks, because he's absolutely right. It shouldn't matter who you are or how much money you have, the law as the law, and we have to be treated equally. It has to be, it has to be fair. So I really appreciated that statement because it kind of reflected that, you know, what he's done is wrong, and he must pay the price for it.

[00:50:53] **Mandy Matney:** And he will pay the price for the next seven years or more, depending on what the state does. Stay tuned, stay pesky, and stay in the sunlight.

[00:51:14] **Mandy Matney:** *True Sunlight* is created by me, Mandy Matney, co-hosted by Journalist Liz Farrell and produced by my husband, David Moses. *True Sunlight* is a LUNASHARK Production, right Luna?

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