



## EPISODE 34: Above the Law

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### **Mandy Matney** 00:02

I don't know how many people contributed to the corrupt system that held up the Murdaugh family and apparently allowed them to live above the law for so long. But as we peel back the layers of the family's history, we see that Alex and Paul Murdaugh's misdeeds did not happen in a vacuum for decades. It appears like people have been looking the other way as Murdaugh's unchecked power spun wildly out of control. My name is Manny Matney. I've been investigating the Murdaugh family for three years now. This is the Murdaugh Murders Podcast with David Moses and Liz Farrell. So from the very first day that Liz and I started working on this story, which was February 24 2019, we have always treated it as a story about corruption instead of a true crime story. Alex Murdaugh is not your typical alleged criminal. And this is not your typical True Crime Story. What's relevant and newsworthy in this case, like the jailhouse phone calls is likely not relevant and newsworthy. In a lot of other cases. That's mostly because we're dealing with a former public official and a whole lot of alleged public corruption on Monday, just days after we published the last episode Alex Murdaugh's attorneys Deckard Polian and Jim Griffin filed a lawsuit in federal court in an attempt to block Richland County from releasing more jailhouse calls through the Freedom of Information Act. Here is David reading a few parts from that lawsuit

### **DAVID MOSES** 01:49

relief requested. The disclosure of plaintiff's intercepted communications in response to the FOIA request and the subsequent use by the outlet of the recordings for commercial purposes violates Title Three C 18 USC 2520. Plaintiff seeks preliminary and permanent injunctive relief as provided in 18 USC 2020 B preventing defendant and anyone acting on his behalf or in concert with defendant from disclosing to anyone the intercepted telephone communications between plaintiff and others in response to a record request for any other purpose except as expressly permitted. Plaintiff further requests expedited discovery to determine the extent of the defendant's prior disclosures of plaintiffs recorded telephone conversation. Plaintiff seeks an award of attorney's fees and costs of this action for such other and further relief as the court deems just and proper.

### **Mandy Matney** 02:55



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So the lawsuit claims that title three of the federal wiretapping statute prohibits the disclosure of recorded telephone communications of inmates to the public in response to a records request. However, the US Court of Appeals ruled in 2003. The title three does not prohibit the disclosure of such calls, and therefore the calls are not exempt from FOIA. Harpootlian and Griffin argued in the lawsuit, which was first reported by the Post and Courier newspaper, that due to understaffing, the Richland County Jail does not have any correctional officers who review and or monitor and make calls in the ordinary course of their duties. Because of this, the attorneys argued that the calls do not qualify for an exception to the wiretapping law. But Murdaugh's call log clearly shows that nearly every single non attorney call was listened to by someone while it's not clear whether or not this person works for the jail or another law enforcement agency. It is clear that a government employee reviewed these tapes before we got them. So on Monday evening, longtime South Carolina media attorney Jay Bender told FITSnews that non attorney jailhouse calls should be available to the public through FOIA.

04:13

I don't think there's any controlling law that would override a citizen's right to get access to a South Carolina public record. And a recording is a public record. And the only exception that might apply in the state Freedom of Information Act would be unreasonable invasion of personal privacy. But if you know your telephone conversations can be recorded, you have no reasonable expectation of privacy. So I think that when the jail released the recordings, he was following South Carolina law and there is no federal authority that would have precluded the release of those recordings. If you know your calls are being recorded. You have no reasonable expectation of privacy. My guess is that as long as the recordings are being made, and you make a request for access to the jail, we'll be required to give you access to those recordings because those are public records under the law.

**Mandy Matney** 05:19

Further a 2011 South Carolina Attorney General's opinion says that, consistent with the mandate of liberal construction under the Freedom of Information Act, it could be concluded that inmates' personal telephone calls should be construed as being subject to disclosure. We spoke to several other attorneys this week about Dick and Jim's lawsuit, who told us that the law is clear, non attorney recorded and made calls are public records, as long as they don't compromise an ongoing investigation, and two super expensive defense attorneys and their client who by the way, is a former



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lawyer should have absolutely known that these calls could have been obtained through FOIA requests. So we want to be clear about a few things here. The phone calls that we published serves a greater purpose than commercial value, which is what they're claiming in this lawsuit. These phone calls exposed apparent lies made by the defense including the fact that Dick and Jim indicated that they were working pro bono and that their client had no money. Now we have to ask what is on the other phone calls that Dick and Jim don't want us to hear? On the wall there was a lot more to share. We were strategic about which elements of the calls that we published, we refrain from using segments that described younger family members sensitive medical information and other moments that didn't serve any journalistic purpose for incidents. Even the stuff about the beast Dix showed that Alex was breaking the rules from behind bars. Public scrutiny in this case is paramount to holding agencies accountable. If we've learned anything throughout this case, it's that transparency is the only way to fight corruption. The more that this case is in the sunlight, the harder it is for them to sweep it under the rug. And that's a fact. There are too many victims who have been let down by the system. And we will use every tool at our disposal to expose the truth wherever it leads, including jailhouse phone calls that proved to serve journalistic purposes. Key details in these phone calls provided links to powerful people who would have probably preferred to remain out of the headlines, but nonetheless, they appear to be involved in some way and if they have anything to hide, rest assured we will get to the bottom of it. As a reminder, Alex was a public official who apparently abused his position of authority that was given to him by solicitor Duffy Stone, we have a right to know what someone who held so much power for so many years is doing behind bars, especially when millions of dollars are missing and victims are owed lots of money. How many times do we have to say it in this case? Alex Murdaugh is not above the law. It's about time that his attorneys recognize that the law cannot work one way for everyone else, and another for Alex Murdaugh. That's how we got into this mess in the first place. Make no mistake We at the Murdaugh murders podcast and at FITSnews will continue to fight for every available public record in this case, because we believe that transparency is essential to exposing an ending public corruption. And speaking of transparency, we noticed a pattern while digging into Alex Murdaugh and Paul Murdaugh's criminal histories that we need to talk about as we ask ourselves how this family got away with what they did for so long. The thing is, typically, you don't start with stealing millions of dollars as your first crime criminals typically start small and see what they can get away with. And Alex Murdaugh is no different there. We have been asked several questions about Alex's criminal history. Were there any signs



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that helped make sense of all of this, we want to tell you two stories that have stuck out in our years of reporting for the first story we spoke to a man we will call Matt. Matt went to school with Alex at the University of South Carolina in the 1980s.

09:24

But yeah, I mean, he just wouldn't pick fights. He was a big dude. I mean, especially when they're big, you know, in the 80s and 90s. There were a lot of big guys but not as many as there are now. And so he was not scared too much of anybody and he had a posse and he just, he was going to play football at South Carolina, but he blew his knee out. Like in spring practice and never never play. Yeah, he was a ke which was the most in HC like this, but it was the most elite. I don't know how familiar you are with K but it isn't like their formal interview is called Old South.

**Mandy Matney** 09:59

Alex was well known on campus, the sixth floor redhead was hard to miss and everyone knew who he was.

10:06

And everybody on campus knew him. I mean that because he was out, he just was cocky and loud. And I should say, I shouldn't say everybody, but everybody who was involved in any social, you know, there was 20,000 people then there was probably a 5000 person crowd of people who kind of, were the I hate to say it like this, but can like the internet, you know what I mean? And so everybody knew who Alex was. Yeah, he just, he just, he just never got in trouble and knew that he could get away with I mean, he would blatantly say we can do whatever we want to because we will get in trouble.

**Mandy Matney** 10:37

Now there was one incident that always stuck out to Matt as he watched Alex reputation unravel in the last few months in the late 1980s Alex apparently drove a Jeep through campus, an episode of stairs while evading place. Here's Matt with more on that

10:55

on the western side, which is where Bates house and all that and I don't even know if there's dorms are still there, but you could go up this, you could go up the stairs there, there were no barriers. So they drove the Jeep up the stairs. And across. This is



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a you know, a probably a couple of 100 Yard Ramp is what they call it. They drove across. But on the quiet side, there were big concrete barriers where you couldn't get out right? Somebody either reported the cop so they chased him down there, but they were behind them. And when they got to the other end, everybody just jumped out and ran. And they could see him but they couldn't. They didn't catch him like everybody just dispersed back. And this is where I get confused. Because like I said, this was like 1988 or 87 maybe even and I can't remember whether this is where I can be. I can't remember whether the Jeep was somebody else's. And you know, they obviously came to them or whether it was Alex, but I do know that Alex got in trouble for it very briefly. But then immediately it went away, it was talking about anymore. And had it been me going to jail. You know, I guess it could have just got you for DUI because it was the next day and he sobered up. But they it was a bit I mean they you know they had cops looking for everybody and they finally got him and nothing happened.

**Mandy Matney** 12:07

And that was it. For most people an event like this could be a major setback. The charges could have really added up DUI failure to stop for blue lights trespassing on campus and evading please just for starters, a regular person would have had to spend good money on bail, good money on an attorney in really good money to not spend any time behind bars and good luck getting into law school and becoming a lawyer after all of that for Alex Murdaugh. All it took was a phone call to his father, and it apparently went away. Absolutely, yeah.

12:43

People are gonna invest in you at first but then they didn't take that one call and somebody calls somebody else's Boston says, Hey, forget about it.

**Mandy Matney** 12:51

There's a reason why Paul called his grandfather on the night of the boat crash. Paul learned it from his father that his grandfather makes things go away. Matt said he has not been in the least bit surprised to see how much trouble Alex Murdaugh has gotten himself into recently.

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He immediately knew he was messed up. I mean, he wasn't. He was a jackass. He was. It was kind of like if you read his group, and he was buddies with us, and it was





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all good. But if you weren't, he just thought he was better than everybody else. I mean, he, he would be like, my name is Alex Murdaugh, I can do what I want to or my daddy Randolph. You know, he's the solicitor, and my granddad. He was two and he was very much so from the get go. And I met him at a freshman orientation, which is before you start school in 1986. So I knew him the whole time I was there. He was like, in my little group, I can tell them because he loves like, Who is this guy? I think anybody who has to talk to that is, you know, our age, would say the same thing. It's good that we're there in school with us. But he just had that reputation of being arrogant. Didn't he know, no, just no compassion or whatever. Like he just didn't, he didn't care and he didn't feel bad about it. And he was just very, you know, he was just Alex Murdaugh. We'll be right back.

### **Liz Farrell** 14:26

Now I'm going to tell you about a brawl. After FITSnews published a story about this fight. Several people who knew Alex back in the day said this was a regular occurrence for him in his 20s and that they knew of other similar incidents that happened with him at strip clubs in Atlanta, and in Colombia. These fights took place 30 years ago, and again, Tales of a man's postgrad shenanigans aren't usually all that significant when they're in their 50s. But it's important to understand what shaped Alex's sense of entitlement and its expectation of no consequence as far as you Murdaugh cites go. This one has it all in the very early morning hours of February 28 1993. When Alex was almost 25 years old, and a second year law student at University of South Carolina, he was at a strip club on Hilton Head called Cadillacs club Cadillacs is no longer around. But to set the stage in the early 1990s. Hilton Head was known as snow island because cocaine was the drug of choice here. So that kind of gives you a picture of the vibe, lots of bros. Lots of people came here to party and the party was just getting started around midnight. On this particular night. Alex was with a big group of friends, and a few of them tried to order drinks at the bar, but the bartender cut them off. They appeared intoxicated, so I refused to serve them. The 23 year old bartender wrote in his statement to deputies they were somewhat belligerent. So immediately after this, Alex decided he needed another drink. And this is one of those moments when you read a police report and you think, Oh, yes, they're talking about our guy here. Here is what the bartender wrote in the report. Another gentleman approached the bar, a tall, heavy redhead, he asked for another beer and I refused some services. Well, because he appeared intoxicated, the redheaded gentleman became abusive, and I asked him to leave. Like I said, this is our guy. Alex allegedly wouldn't leave. So the bartender called over two bouncers to escort him out



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of the club bouncers, both in their early 20s attempted to remove Alex from the establishment, but once he reached the doors, he quote instantly became more aggressive and was asking in certain words to fight another employee at the club noted Alex started to get all of his friends all riled up. This is when the bouncers were bum rushed by Alex Murdaugh and 10 to 15 of his friends, everything descended into utter chaos. One of the bouncers wrote in his report, they began to push and shoved and became extremely violent. There were three to four men pushing, shoving and swinging at me. This bouncer was then clocked on the back of the head by one of Alex's friends, the bouncer turned around and punched the friend in the face. The bartender who had refused to serve his friends saw what was happening. He secured his cash box and went to help the bouncers, one of whom called 911. Another employee wrote that he heard verbal threats being made and saw one of the bouncers get thrown against the window. This employee said he grabbed the man responsible for assaulting the bouncer and pushed him against the wall. A sergeant with the Marines stationed on Parris Island was a Cadillac that night and witnessed the brawl. He wrote in his statement to deputies that there was a big mix up of fighting men in the lobby of the club, quote, The bouncer was telling the problem guys to leave, they were rowdy and didn't want to so they had to force them out and one of them hit the window and started trouble as a smaller bouncer was swung at and the bouncer avoided the swing and retaliated with a nice punch, and the drunk got what he deserved. The bouncers were in the right and the customers were in the wrong in this case, see what I mean? utter chaos, so deputies arrived shortly after being called, emergency medical personnel were called to the scene to turn to Alex friend who was bleeding from being punched in the face by one of the bouncers. That friend, a 27 year old man from Mount Pleasant, refused medical aid at the scene, but said he wanted his friends to take him to the hospital. So deputy was sent to Hilton Head hospital to wait for the man's arrival. But according to the reports, the man never arrived. The man who is identified as the one that assaulted a bouncer was ticketed and charged with public disorderly conduct, and so was Alex but neither he nor Alex were arrested. Another man, a 27 year old from Colombia was charged with public disorderly conduct as well but he was taken to jail. The report doesn't detail what this man allegedly did, nor does it know whether he was part of Alex's group. So I'm gonna pause here to reiterate Alex, who allegedly started the fight and allegedly took part in the fight and his friend who had bounced around the head were not arrested, but this other guy was and the report has no other details about him other than his name, address and age and that he was arrested after deputies broke up the fight and Elquis issued his ticket. A deputy drove him home,



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according to the report, drove him home. Alex lived in Farmville at the time, that's a 67 mile one hour and 20 minute drive from Hilton Head Island. I've since talked to a number of people in law enforcement in Beaver County, and they've separately said the same thing. He had to have gotten a nice crisp \$100 bill from Randolph for that one Alex and the two other men charged that night were scheduled for a hearing on March 29 1993. But the report does not include copies of the tickets that were issued. Nor does it note the outcomes of the cases. We did a background check on Alex through Nexus and it noted that the charge was dismissed on March 25 1983. Now keep in mind, Randolph Murdaugh was the solicitor at the time. Alex graduated from law school just over a year later and was admitted into the South Carolina Bar Association in November 1994.

**Mandy Matney** 19:55

We'll be right back. As Matt told us, along with so many others, the Murdaughs raise their kids much differently than how the rest of us were brought up. It's the opposite of

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20:11

how you just mean I have four boys so they are all good kids. And I'm not just saying that because their mom but they are but they were also taught very well in the in the opposite traditions of what their family, the family as it was not as you work hard for what you do, and you help people out when you can and you treat people the way you want to be treated. And you respect adults and you, yada yada yada and then they just like the antithesis of that it was just like your Murdaugh do what you wrote.

**Mandy Matney** 20:41

In fact, a source close to the family told us that Alex often bragged about his days of mischief and college and how much he used to get away with which brings us to Paul Murdaugh, I have to be the first to admit that I misunderstood Paul Murdaugh to some extent. Before his murder, Paul Murdaugh was seen as a very bad seed and a powerful family. And now after interviewing dozens of people who are close to his family, I'm starting to see Paul Murdaugh in a different light from the way he was raised. He really didn't have a chance of being normal, which is absolutely no excuse for his behavior or his alleged role and Mallory Beach's death, looking at his past does help me understand him more. If a young person is troubled and shows signs of dangerous recklessness and their youth there are supposed to be systems of





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accountability to keep that young person in check. His parents and teachers are two of the first layers put in place to hold a young person accountable. And when those systems fail, law enforcement is supposed to step in, but Paul's life was so much different. Not only did Paul's parents apparently not do anything to correct his behavior, sources have told me that Maggie and Alex interfered with both teachers and law enforcement who attended to step in the way of Paul's destructive path. And for those of you who think this is irrelevant because Paul is dead. Remember that Paul's alcohol abuse and his out of control behavior that his parents apparently approved of is a key claim in the Mallory beach lawsuit as well as other lawsuits that have been recently filed by surviving passengers. We believe this history is important because it shows that both law enforcement and Paul's parents were given multiple warning signs that Paul's behavior was out of control and potentially deadly, and they did nothing to stop it. Like his father Paul had several run ins with the law during his youth run ins that his parents got him out of time and time again. In the years leading up to Mallory Beach's death run-ins that appear to show how this family lived above the law. The first incident I want to tell you about was two years before the boat crash that killed Mallory Beach. This is a story that was told to me by a source close to the family in 2017 17 year old Paul Murdaugh drove his father's boat to the Beaufort sandbar where he became belligerent and drunk. Paul Murdaugh was reportedly throwing beer cans off the boat and flipping off other boaters when he was spotted by scdnr agents who were patrolling the water that day, the young scdnr agents reportedly had Paul Murdaugh sit on their boat and threatened to charge him with either a BUI or an MIP. According to my source, Paul called his father from SC DNRs Bo, who called a high ranking buddy at scdnr, who showed up on scene and swooped up Paul Murdaugh, who was then escorted back to his family river home. A personal police escort after breaking the law. That sounds familiar. No charges were filed against Paul Murdaugh that day, that same scdnr agent that saved Paul Murdaugh was involved in the 2019 boat crash investigation that went absolutely awry. And that incident wasn't the only time that should have been a warning sign. Around the same time in May 2017. Paul was charged with purchase or possession of beer or wine by a minor by sed and our officers in Beaufort County. According to my sources, Paul was driving the boat that day but was not charged with the BUI for whatever reason Paul's father and his BFF Corey Fleming both represented Paul Murdaugh for his minor in possession charge. Yes, two attorneys represented Paul to get his drinking ticket expunged. In May 2018. Paul was sentenced to attend an alcohol diversion program. It is not known if he actually attended his charge was ultimately dismissed and expunged on May 8. 31st 2017 The



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same day the court filed alcohol possession charges against Paul Paul Murdaugh paid \$510 in fines for a littering charge for an incident in April 2017. In Beaver County. Now I've been a reporter in the Lowcountry for six years and I've never seen a \$500 littering ticket. I've always wondered if that ticket was for something more than littering and the good ol boys got it knocked down. And not only that, Paul was known to drink and drive on the land too. According to my sources, and I was even surprised to hear this poem, Murdaugh drunkenly crashed his truck a few times a year. His father apparently paid a few locals to tow his truck in the middle of the night before police arrived on scene and he'd get the damages fixed by paying with cash. Looking back now it really makes sense. What boat crash survivor Connor Cook said. I mean, anything that they get into they get out of about the Murdaugh family back in 2020. Because then even it sure did seem true. As I have reported before Paul Murdaugh was given the gentleman's treatment, as Liz called it in court when he was arrested for three felonies related to the boat crash that killed Mallory Beach, Paul never had to spend a second behind bars. He wasn't processed in jail. Like most people, his mugshot was taken by an iPhone seven in the courthouse hallway. He was never handcuffed. He was never given an alcohol monitor, which is highly unusual considering his charges. And he was never given a GPS monitor while out on bail, which I now have to wonder if the judge regrets doing that. If we've learned anything from these stories, it's that the system has repeatedly failed to protect the citizens of South Carolina, whether it's alcohol fueled, crashes, rampid theft and breach of trust of vulnerable people or cold blooded murder. We have a duty to expose the truth and hold law enforcement agencies accountable to do their jobs, if not over the last 40 years now that the sun shines, it is time for law enforcement to bring co-conspirators to face the music. Alex isn't just one foul guy that made mistakes. He had helped with the seven criminal investigations surrounding the Murdaugh family. We haven't forgotten about any of them. New information has come to light about Judge Carmen Mullen and her alleged role concealing elements of the Satterfield heist; sources also hint at new charges aimed at Alex's co-conspirators. But where are they? In the absence of law enforcement acting quickly enough? It's the job of journalists to highlight these failures and put pressure on people to act. We aren't trying to make people look bad at their jobs. We intend to use the truth in order to save lives. How many victims would be alive today, if someone learned a lesson along the way and changed the course of history, the time to stand up and say something is right now. And we intend on doing just that until justice is served? Stay tuned. The Murdaugh Warner's podcast is created by me, Manny Matney, and my fiance David Moses, our executive editor is Liz Farrell,



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**DAVID MOSES** 28:49

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