



EPISODE 70: More Lies and Alibis: What We're Learning Before the Double Homicide Trial

[00:00:00] **Mandy Matney:** I don't know how many times Dick and Jim are going to trick the media before trial, but I know that Alex Murdaugh's two defense attorneys have been working hard to plant seeds of doubt in the public for the last month. However, the more we look at the totality of evidence, the more convinced we are that our sources have been right all along. My name is Mandy Matney. I have been covering the Murdaugh case for nearly four years now. This is the Murdaugh Murders Podcast, produced by my husband, David Moses, and written by Liz Farrell.

[00:00:59] I hope y'all had a wonderful Thanksgiving week. Here at MMP, we are thankful that the Laffitte trial coverage is over, and we are back to regular programming this week. We really appreciate all of your encouragement and patience these last few weeks. At the end of this episode, stay tuned to a special fan shout-out. I wanted to do something weekly to show our appreciation for the fans who engage with us on social media and show y'all how much we appreciate you.

[00:01:30] So while most of the media was focused on Laffitte coverage in the last few weeks and that very big moment of one of Alex Murdaugh's accomplices being convicted, Dick and Jim have been very busy on their distraction game leading up to Alex Murdaugh's January trial date, which is going to be here in no time, by the way. So aside from the revelations we heard at trial for the first time, two big things have happened in the murder case in the last week that we need to talk about today. Number one: a few weeks ago, Dick and Jim filed a Notice of Alibi Defense, basically stating that Alex wasn't at Moselle when the murders were committed, and then they gave a few more details of what Alex was up to that night. And the second big thing: two days after that motion — on the eve of Thanksgiving, actually, as the rest of the world was stuffing their turkeys and not worried about Alex Murdaugh in his second beef stick holiday in jail — Dick and Jim filed a whopper of a motion, 96 pages, asking the court to, quote, exclude false testimony about evidence destroyed by the state, end quote. That's what they alleged in the title. A few days after that, Dick and Jim filed another motion clarifying what they meant by "destroyed," which is likely not at all what the public's idea of what "destroyed" was. And they further accused SLED of



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photoshopping evidence related to blood spatter. And before you have a heart attack about the things I just said, take a deep breath and remember that a.) Dick and Jim both lost their credibility in this case a long time ago, and b.) Nothing in this case is simple. So buckle up, and let's get into it.

[00:03:34] **Liz Farrell:** Let's start with this alibi. So, on the Thursday before Thanksgiving, while Alex Murdaugh's co-conspirator, Russell Laffitte, was living his last few days as a presumed innocent man — at least, federally — Dick and Jim finally filed their formal notice of what Alex was up to during the window in which Creighton Waters says the murders of Maggie and Paul Murdaugh occurred. This was a big deal, especially considering how many different versions of this alibi we have heard from Dick and Jim and other members of the Murdaugh camp over the past year and a half. And also because of how hard Dick and Jim fought the state on having to provide an alibi in the first place. This means that they cannot change this story again. And that's probably going to be really hard for them because Dick and Jim really seem to love a shifting narrative as evidenced by their Thanksgiving Eve motion, which we'll get to, obviously.

[00:04:29] But first, we wanna revisit the history of this alibi, so you can see just how thin the ice is that Alex is standing on. In September, the state asked Alex to provide his alibi for the time of the murders, that is, if Alex was planning to use an alibi defense in his case, which, as it turns out, he apparently is. A quick note about an alibi defense. The burden of proof is still on the state, meaning they have to prove to the jury that Alex did this beyond a reasonable doubt. Alex doesn't have to prove his alibi is true, but the state is allowed by the rules of criminal procedure to require the defense to tell them that they will be raising an alibi defense during trial. This gives the prosecution the ability to fact-check that alibi and tell the jury about any holes they found in it.

[00:05:22] So let's think about that for a second. Alex Murdaugh, the man who got to the point he was at in life before the murders, in large part by being able to say something is true and just have everyone around him make that thing be true for his benefit and his protection, is going to rely on something that can be fact-checked to exonerate him. Okay. Six weeks after the state asked for Notice of an Alibi Defense — not 10 days after the request as required by the rules of criminal procedure — Dick and Jim filed a motion asking Judge Newman to strike the state's request because — get this — the



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state didn't tell Dick and Jim when and where these so-called murders occurred. There are literally listeners of this podcast in Australia and Ireland and Canada who could have told them this information in their sleep. As a reminder, here's Dick Harpootlian arguing that motion on October 20th.

[00:06:21] **Dick Harpootlian:** One of those things is, what's your alibi? Now, I've been doing this four decades, probably three decades under Rule of Five. And when I was prosecutor, solicitor, I did the job for 12 years. Serve that reciprocal discovery they say alibi for such and such a date at such and such a time. The states, we've asked them for that. They continue to not give that to us. And in their response they filed last night, they said, well, you know, if you look at the discovery, if the defense attorneys look at the discovery, they'll know it's between X and Y. Well, two things. One, we're supposed to look for that single straw in the terabyte of data that tells us what time they say these homicides were committed. The coroner in his death certificate says nine o'clock. Are they relying on that? Are they gonna, are they, is it broader than that? Is it plus or minus five or 10 minutes? We don't know. So at the minimum, they're playing a game here where they're refusing to do what the, and I can read the rule, Your Honor, but you know what it says. It says, must give us a time and a date. They've not done that. And still, in their motion yesterday, they refuse to do that. That's one issue.

[00:07:46] **Mandy Matney:** And here is Creighton Waters' epic response to that.

[00:07:51] **Creighton Waters:** But that information is available to the defense. The indictments themselves specify that Alex Murdaugh killed his wife and son on June 7th 2021 in Colleton County. It's an extremely well-known, maybe one of the most well-known facts in the state that that occurred at a property in Moselle. I've had conversations with Mr. Griffin in which I note that there is a video that shows Alex present at the scene, despite his denials, with Maggie and Paul at 8:44 PM not long before their phones cease any meaningful activity. And it's about 9:06 PM when his car fires up and he drives over to Alameda. So, we made that clear to the defense and may of course know the 911 call that occurred at 10:06 PM. They know this. This is a manufactured issue to try to act like that they don't have this information found when they do.

[00:08:43] **Mandy Matney:** So what is the deal here? Are Dick and Jim so by the book that they felt obligated to call out a technical legal flaw in the



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paperwork? There's no way they could have thought that Judge Newman was gonna be like, "You're right. Forget about that pesky request from the Attorney General's Office." As we all know, Judge Newman was predictably like, "Just tell them the time of the murders, Creighton" in the same tired way parents are like, "Just give your brother his ball back. Please." Maybe the issue was that Dick and Jim needed to stall for some extra time to really polish up Alex's official story of how he didn't murder his family that night. Let's go through that version now. Here is David reading from Alex's Notice of an Alibi Defense.

[00:09:36] **David Moses:** Defendant Richard Alexander "Alex" Murdaugh was not present at the time of the murders of his wife, Maggie, and son, Paul. Because he was not present, Murdaugh does not know the time the murders were committed. Murdaugh was on the Moselle property from sometime prior to 8:30 PM on June 7th 2021 until a few minutes after 9:00 PM when he left to visit his mother at 115 Alameda Place, Varnville, South Carolina. Maggie and Paul were still alive the last time he saw them before leaving for Alameda.

[00:10:12] **Mandy Matney:** Real quick. People have pointed out how Dick and Jim misspelled "Moselle" in their filing because they used a "Z" instead of an "S." I know this is going to be hard for people to believe, but Moselle is sometimes spelled both ways. People go back and forth between an "S" and a "Z," even in the official real estate records. And if you can't tell by the way everyone pronounces "Alex," things really aren't as they appear down here. Other people have pointed out that 115 Alameda Place in Varnville, also called Alameda, is not even on the map. Alameda is a section of Varnville. Alex's parents, Randolph and Libby Murdaugh, lived right at the junction of US 278 and Yemassee Highway. Their house was often referred to simply as "Alameda." Remember in August when SLED had divers searching for something in the creek in Varnville? That is very close to where they lived.

[00:11:12] But the biggest thing with the Notice of Alibi Defense is that Alex Murdaugh is now officially saying he was at Moselle that evening. And according to Creighton during that October hearing, Alex originally told investigators that he was not at Moselle and he had not seen Maggie and Paul that night until he arrived home to find them dead. Think of that original story as a giant lump of clay. Over the next 17 months, pieces of that clay have gotten removed and reshaped as the facts have rolled in from law enforcement. Dick and Jim have now formed that lump of clay into a tiny



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statue of a faceless killer that is not Alex Murdaugh. The first major reshaping of that clay came three months after the murders. And we'll be right back.

[00:12:09] In June 2021, news reports of Alex's whereabouts at the time of the murders referred to an unknown source who called Alex's alibi "ironclad." The story that emerged was Alex had been at the hospital in Savannah with his father who was dying. And then 10 days after the murders, *Good Morning America* interviewed Randy and John Marvin Murdaugh and reported that Alex had taken their father to the hospital the day of the killings and that he had checked in on his mother before returning to Moselle, where he found Paul and Maggie. But by September, 2021, a slightly updated alibi made its way into a report from *The Wall Street Journal*. Here is David, again reading from that story.

[00:13:08] **David Moses:** Alex Murdaugh was with his father at the hospital. According to a person close to the family, he came back to Moselle, took a nap, and when he awoke, he left to check on his mother, who suffers from dementia. He didn't see Maggie and Paul before he left, according to the person.

[00:13:26] **Liz Farrell:** So now, Alex is going from the hospital to Moselle for a little snooze to Alameda to check on his mom to Moselle again where he discovered the bodies. This story has met a number of challenging facts over the past year. First, we reported in April, 2022 that Maggie had texted her sister and a few other people to say that Alex was insisting that she drive to Moselle that evening so they both could drive together to Savannah to visit Randolph. This reportedly seems suspicious to Maggie, possibly because driving to Moselle and then driving to Savannah made it a longer drive for her all around. Also, she reportedly got her nails done that evening on the way to Moselle. That's a strange thing for a person to do on the way to see an imminently dying family member, but, okay, benefit of the doubt. The issue is that a man can't be in two places at once, right? That is the core purpose of an alibi. If Alex had told investigators he was never at Moselle before the murders, well, Maggie's text messages would now be contradicting that notion. Of course, it's not inconceivable that Alex could have been at the hospital and then driven home to get Maggie to bring her back with him, maybe in one final display of marital bliss for the benefit of his father. And though it would've been pretty late to have been driving back to Savannah,



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time and distance might not have been factors for him as his father laid dying.

[00:14:50] The bigger problem for Alex was always this, though: the hospital alibi would have left a digital footprint, right? Not only on the hospital security footage, but on Alex's phone and the GPS of his Suburban. If he had been at the hospital with his father before finding their bodies, then technology would easily support that alibi. Now, to be clear, the state is only asking for what Alex was doing between 8:30 PM and 10:06 PM on June 7th 2021, meaning the hospital part of the alibi wouldn't have been included in their notice. But as it turns out, the hospital part of the alibi dropped off altogether sometime between *The Wall Street Journal* article in September 2021 and whenever Jim Griffin filmed an interview with *Fox Carolina*, which aired in October 2021. Alex went from being at the hospital to visit his dad to now calling the hospital to talk to his dad. Here's a clip from that interview with reporter Cody Alcorn.

[00:15:53] **Jim Griffin:** I can assure you that we have Alex's whereabouts accounted for completely during that period of time. That night, he is sitting on the bedside of his mother at her house when the coroner says these murders happened. She has dementia. There's a house sitter, a caregiver, round-the-clock care, and they're watching a game show on television. On the way over, he spoke to his friends and communicated about business and he called his dad who was in the hospital. He didn't do it.

[00:16:31] **Liz Farrell:** Quick note. Jim sure did seem to know when the murders occurred during this interview, huh? I guess he had forgotten about that between October 2021 when this aired and when Creighton Waters wanted Alex's official alibi in September of this past year. And Dick and Jim were indignantly like, "How can we provide that to you when we have no idea when the murders happened?" One thing Jim was consistent about after this interview, though, was the elimination of the hospital alibi, which we saw again in the HBO Max documentary.

[00:17:01] Before I get into that, I have to know technology can take time to tell its story. Law enforcement in South Carolina routinely has had problems with getting Savannah hospitals to cooperate with them on providing evidence that might violate HIPAA in some way. For instance, if SLED subpoenaed for the security footage and received it, it would not have been out of the



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question for that to have taken weeks, maybe even months. So could this be why a Moselle nap was introduced to the story by September? This is just pure speculation. We obviously won't know until the trial when Alex might have told SLED about the alleged nap, but it's still a question worth asking. Before *The Wall Street Journal* piece, the public was under the impression that Alex had a, quote-unquote, ironclad alibi. And ironclad alibis are usually the kind that has some sort of indisputable evidence to accompany them, like video footage. Let's say he was at the hospital. Did the video show him leaving earlier and now he needed to explain that? Or was it his phone that showed him going from Savannah to Moselle? Or, back to that HBO Max documentary, was Alex ever at the hospital that day in the first place? Like I said, it's not clear when Jim recorded his segment for HBO Max's *Low Country: The Murdaugh Dynasty*, but it's a doozy. It completely eliminated the hospital trip from the alibi and replaced it with, quote-unquote, work.

[00:18:25] So, according to our sources, it was around April 2022 when Paul Murdaugh's phone was finally cracked by investigators. On Paul's phone, they found a video that had been taken at 8:44 PM the night of the murders by the dog kennels that not only showed that Alex had been at Moselle that night, he had seen Paul and Maggie right before they were killed, and I mean mere minutes before. In this HBO interview, Jim said that Alex had come home from work around 6:30 PM June 7th and met up with Paul. So, again, no longer is Alex coming to Moselle from the hospital in Savannah. He's coming from work, which is interesting because just three weeks ago, a brand new fact emerged about what June 7th 2021 was like for Alex Murdaugh before the murders. During Russell Laffitte's federal trial, we learned that PMPED'S chief financial officer (CFO) had confronted Alex earlier on the day of June 7th, reportedly sometime that morning, about nearly \$1 million missing from the firm. And in the middle of that confrontation, Alex had taken a phone call and told the CFO that his father had been put on hospice and that he had to leave right then. So, obviously, this now calls into question whether Alex was coming home from work at 6:30 PM that day given that it doesn't seem like he was there past the confrontation.

[00:19:43] In the HBO Max interview, Griffin went on to say that Paul and Alex rode around the field at Moselle to inspect the property then met Maggie and had dinner. It's not clear who cooked this meal. But also, earlier reports from sources close to the investigation had Paul eating dinner at his uncle's house after working at his uncle's equipment rental business an hour away outside



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Bluffton. So, maybe there were two dinners. I don't know. After dinner, Griffin said Maggie left the house to go run the dogs and Paul left the house because, quote, Paul never stayed inside. Now, Paul loved the outdoors. That is one of the first things people who loved him will tell you about him. But what an odd thing to say. Also, Paul was allegedly at Moselle that night to check on his friend's dog who was at the kennels recovering from an injury. Why wasn't Paul running the dogs? Anyway, it was at this point that Griffin said Alex laid down to watch TV and allegedly fell asleep on the couch — again, something that was reported in *The Wall Street Journal* in September 2021 by an unnamed source.

[00:20:46] Next Griffin said Alex woke up at 9:00 PM and decided he wanted to go check on his mother. He texted Paul and Maggie, but neither answered him. Now, Griffin noted in this HBO interview that he had all of the family's phone records, so there's no reason to doubt that this happened; that Alex had texted Maggie and Paul at 9:00 PM. But again, this interview was definitely filmed before October 2022 when Creighton Waters told Judge Newman that all meaningful activity on Maggie's and Paul's phones had stopped at 9:00 PM. Meaning at the time of this interview, Griffin might not have realized that the state believes it has proof that Maggie and Paul were dead by the time Alex had texted them to say he was going to his mother's house and would be right back. Would someone who killed people, text those same people after killing them to demonstrate he thought they were alive at the time? I'm sure it happens all the time. Doesn't mean it happened here, but the fact that he might have texted them at that time is meaningless.

[00:21:48] Okay, next. Griffin told HBO Max that Alex was on his phone starting at 9:03 PM as he drove the 16 minutes to Alameda. At 9:21 PM, Alex called his mother's house phone to ask the nursing aid to let him in the house. Alex then sat on his mother's bed showing no signs of stress, according to Griffin, and stayed there for 20 minutes. When he left the house, Alex got back on the phone and was, quote, chatting it up with his friends. Then, according to Griffin, Alex got back to Moselle a little after 10:00 PM, saw that the house was still locked up, and then went down to the kennels where he found Maggie and Paul dead. This, Griffin said, could have been the act of some, quote, delusional vigilante — that's how he pronounced it. This means that whenever this interview was filmed, the Murdaugh team was still insinuating the murders were an act of revenge, which was the Murdaugh party line, in



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the minutes and days after the murders, when they were liberally telling people this had something to do with the boat crash.

[00:22:53] Now, let's talk about those phone calls that Alex made to and from Alameda. Here's David again with the rest of the Notice of Alibi that Jim and Dick filed the week before Thanksgiving.

[00:23:03] **David Moses:** During the drive to Alameda, Murdaugh had cellphone conversations with his son, Buster, his brother, John Marvin Murdaugh, his sister-in-law, Liz Murdaugh, Chris Wilson, and CB Rowe. Murdaugh arrived at Alameda at approximately 9:20 PM. He visited with his mother, Elizabeth "Libby" Murdaugh and a nurse's aid, Michelle "Shelly" Smith. Murdaugh stayed with his mother until approximately 9:45 PM and then returned to Moselle, arriving at approximately 10:00 PM. On the return trip to Moselle, Murdaugh spoke with Chris Wilson via cellphone. Murdaugh discovered Maggie and Paul's bodies at approximately 10:05 PM.

[00:23:47] **Mandy Matney:** First, I want to note that everything in this alibi is likely provable, meaning that when Creighton Waters goes to check phone records and asks Shelly Smith when she saw Alex that night, he will likely find that all of that checks out. But here is the problem for Alex. When Dick and Jim fought the state on its effort to get a Notice of Alibi earlier this fall, like we said, Judge Newman ordered Creighton to give Dick and Jim a timeframe for the murders, and Creighton did that. He said the murders occurred sometime between 8:30 and 10:06 PM. Alex's alibi says he was at Moselle from 8:30 until a little after 9:00 PM. It doesn't say that he called anyone during that time. It also doesn't say that anyone witnessed him being there. It just says he was there, which we already knew he was because the video showed him at the kennels at 8:44 PM. We also know that Maggie and Paul stopped using their phones in any way at 9:00 PM when Alex was, by his own admission, still at Moselle. So, let's rewind for a bit before getting into the calls. First, let's revisit that *Fox Carolina* interview with Jim in October '21. Remember this part?

[00:25:12] **Jim Griffin:** On the way over, he spoke to his friends and communicated about business. And he called his dad who was in the hospital.



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[00:25:20] **Mandy Matney:** And here is David again, reciting the official alibi notice. Again, which was filed in November 2022, more than a year after that *Fox Carolina* interview.

[00:25:34] **David Moses:** During the drive to Alameda, Murdaugh had cellphone conversations with his son, Buster, his brother, John Marvin Murdaugh, his sister-in-law, Liz Murdaugh, Chris Wilson, and CB Rowe. On the return trip to Moselle, Murdaugh spoke with Chris Wilson via cellphone. Murdaugh discovered Maggie and Paul's bodies at approximately 10:05 PM.

[00:25:58] **Mandy Matney:** No Randolph, no call to the hospital. Now, starting with the morning after the murders right away, two stories emerged apparently from the Murdaugh camp. One of those stories was that these murders were acts of vengeance by someone connected to either the boat crash or Stephen Smith's murder. It should be noted that none of our sources nor anyone we knew in Hampton bought into that theory at all. The second theory that appeared to be coming from the Murdaugh camp is that there was a disgruntled groundskeeper out there, someone at whom Paul had apparently yelled at for how he had incorrectly seeded the daffodils or daisies at Moselle. This is a dove hunting thing apparently, and that is something we heard at the time.

[00:26:50] Now, that groundskeeper we were told at the time was a man named CB Rowe, who was a former teacher at Paul's private high school in Ridgeland, South Carolina. Rowe has a checkered criminal history of his own that I won't get into right now. Now, a few things. The first of which is Alex apparently called CB Rowe the night of the murders, which certainly raises many red flags. If Alex did indeed kill Maggie and Paul like the state says he did, why was Rowe on his call list that night? What was Alex's move there? The second is this. Remember the motions Dick and Jim filed this past fall about the polygraph that Curtis Eddie Smith took? Remember the story that Eddie had given to SLED about Maggie and CB Rowe? Here is David reading from Eddie Smith's polygraph transcript.

[00:27:50] **David Moses:** I heard that Maggie had a thing going on with the groundskeeper, which I never met him. I don't know his name. And Paul went down into one of the barns and caught him and got upset, and he went and got his rifle and he was hollering and screaming. His mama was running and she fell down and she got up. He shot her in the ass. And the bullet come out



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the top of her head. And then he turned to the groundskeeper guy, but the groundskeeper already went to his truck and got a shotgun.

[00:28:20] **Mandy Matney:** As Creighton Waters pointed out in his response to this motion, Dick and Jim knew this story wasn't completely true, but they included it anyways just to get it in the headlines. So this groundskeeper that Eddie was talking about is presumably CB Rowe, the guy we now know that Alex called or tried to call on that drive to his mother's house the night of the murders. But here is what's interesting. A few months ago before Alex was charged with murder, a source close to the Murdaughs told me an interesting story. The source said that Alex was telling people close to him that he was worried about a groundskeeper, likely CB Rowe, having issues and that Paul and the worker were fighting and that Paul had crossed a line with this guy, and the situation was escalating. Now, I have only heard this story from one source who seems to be reliable and whose credentials do check out. But typically, with a story like this one, I wanna hear it from multiple people before reporting it.

[00:29:29] This story, which, to be clear, is something that I've heard but have not confirmed for the record, has stuck with me for a long time because it made me wonder if Alex was planning this for a while and planning this enough to feel the need to plant a false suspect in other people's minds. We also know now that PMPED was onto Alex's financial schemes weeks before the murders and the walls were really closing in on him. So, this raises a lot of questions. The main one is this: When Alex called CB Rowe, that night, was he trying to put a call on the record to fit a future narrative surrounding the circumstances of the murders? Was the call to CB Rowe a placeholder? Obviously, we don't wanna speculate too much there, but it's a question worth asking as these pieces of the puzzle are falling together. CB Rowe also appeared in the most recent motion from Dick and Jim, which we will talk about.

[00:30:34] As you can see though, Alex made a lot of phone calls in that small window of time. Two of those calls were to Chris Wilson, also known as the attorney from Bamberg County. Chris is who flew with Alex and Cory Fleming on a private plane to the College World Series in 2012, which Cory apparently paid for using money they allegedly stole from Pamela Pinckney. Alex, Cory, and Chris were all close friends in law school and remained close friends up until 2021. And for the record, Wilson says he didn't know that flight was being



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paid for with stolen money, if that matters. Anyways, Chris is also the lawyer that, at Alex's direction, directly paid Alex \$792,000 in split fees that were supposed to have gone to PMPED. And that is apparently what started PMPED'S investigation into Alex.

[00:31:34] In Russell Laffitte's federal trial, we not only learned that PMPED confronted Alex about the missing fee from Chris Wilson on the day of the murders, we learned that PMPED had given Alex an ultimatum of sorts. In May when the law firm first discovered the apparent theft, they had trouble getting in touch with Chris to verify what his office had told PMPED, which is that the money had been given to Alex instead of the firm because Alex was trying to hide assets from the Beach family. When the firm had asked Alex about this money, he said that Alex was holding it in an escrow account and that he had not been paid that money, which apparently was a lie. But according to the CFO's testimony, Chris had verbally backed Alex's story. By the day of the murders, though, it sounds like PMPED was over it; that PMPED wanted actual proof that that money was being held in escrow, like Alex and Chris were saying.

[00:32:41] So, the question is: What did Chris and Alex talk about that night multiple times? We keep hearing that nothing seemed wrong during these phone calls; that Alex was being easy-breezy Alex, making a list of phone calls on his cheery way to visit his mother. Hard to imagine Alex having an easy-breezy chat with the man who was serving as his alibi, which seemed to be a major pickle for him, right? And we will be right back.

[00:33:22] Now, let's talk about this Thanksgiving Eve motion. The one that was sent not even 24 hours after Russell Laffitte was found guilty on all six federal counts against him, and the newest motion, which was filed Monday afternoon. Dick and Jim have been busy. Let's start by saying something I think we all can agree on. This was not a good Thanksgiving for Alex and his buddies. Russell's verdict sent a very strong message from the federal justice system to the Good Ole Boys in Alex Murdaugh's orbit. That message was "We are not playing around here."

[00:34:06] Something tells us that Russell's verdict was also very inspirational for the state's Attorney General's Office. That verdict gives a lot of much-needed forward momentum in the state's cases against Alex and everyone else going into next year, and Dick and Jim obviously want to put a



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break on that momentum as much as possible. What better way to do that than to accuse the state of lying and destroying evidence and insinuating that they actually photoshopped evidence? Like we said, these motions, much like Eddie Smith's polygraph motion in October, seemed like they were designed purely to mislead the public through headlines. And like we said, it worked, at least in part. And here is why: Dick Harpootlian is a seasoned old-school media guy. Sending reporters a 96-page motion on the Wednesday afternoon before Thanksgiving when they know the already sparsely-staffed newsrooms are even more bare-bones is a very obvious strategy. They wanted the least amount of critical thought being applied to that report. Dick and Jim, the same two guys who wanted Judge Newman to issue a gag order this past summer, are full-on using the media to plant seeds of doubt in the mind of their potential jury before January.

[00:35:39] The second motion, which is accusing the state of altering photos of Alex's bloodstain shirt and demanding they provide them with Photoshop files also seems to contradict the first motion in a few ways, which we will get into. This is all to say we think we're going to be seeing a lot of this back-and-forth over the next few months. As former print journalists, we know that most people consume their media through social media and the way they consume news is largely through the headline only and through other people sharing that story and commenting on it, meaning a lot of people aren't reading the full story, nevermind the actual motion, especially not a 96-page motion. Here's David reading some of the headlines that emerged from the release of that motion, conveniently at a time where people could discuss this around the Thanksgiving table last week.

[00:36:43] **David Moses:** From *The New York Post*: Shirt Alex Murdaugh wore the night his wife and son were murdered 'destroyed': defense.

[00:36:51] From *Fox News*: Alex Murdaugh's shirt worn on night of wife's, son's murders was 'destroyed' by state, defense says.

[00:37:00] From *ABC News*: Murdaugh murders: Alex Murdaugh's attorneys say investigators manipulated, destroyed evidence.

[00:37:10] From the *Charleston Post and Courier*: Murdaugh murder case attorneys: SLED manipulated expert on 'spatter' evidence.



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[00:37:22] **Liz Farrell:** All the headlines were a variation of that. Dick and Jim wanted to put up a message that Alex was being set up by SLED from the beginning, and they sure did get that message out there. But we took a closer look at that motion. And, as you might expect, we have some problems with it. But also, we both think that public defenders everywhere need to sit up and take notice. They could literally lift entire passages from these motions and apply them in their own cases.

[00:37:51] We've identified five major elements that Dick and Jim typically rely on in an Alex Murdaugh murder motion. The first is careful phrasing. They're really good at producing sentences that are technically true in and of themselves but that are completely absent of the inconvenient context; context that when it's there could change the truthfulness of what they're saying or its favorability toward Alex. An example of that is the phrase "destroy evidence." They know that when people hear that phrase, they're picturing SLED agents having a big old burn party with evidence that could allegedly exonerate Alex. But what they mean is this: They want to analyze Alex's shirt themselves with their own experts. They don't wanna analyze the photos of the microscopic spatter pattern or rely on the reports that SLED and their experts put together. They want the actual shirt.

[00:38:44] But here's the problem. This was a double homicide in which the husband, the man who found the bodies, was the initial person of interest. His shirt could tell investigators the story of what did or did not happen in his presence. So, SLED first tested the shirt for the presence of blood and human tissue, including the smallest of stains, the kind you can't necessarily see with the naked eye. Those tests caused the shirt to change color. Then the shirt got cut up into fragments for DNA and other analysis. The strips of fabric were also analyzed for the shape of stains that were on them. That is how SLED, quote-unquote, destroyed evidence. Dick and Jim use the word "destroyed." Investigators might use the word "consumed," as in the stained parts of the shirt were consumed by the forensic testing. In their second motion, Dick and Jim then make an argument that forces them to acknowledge this hyperbole, which we'll explain in a second.

[00:39:38] Remember in August and October when Dick and Jim filed motions to compel, claiming the state was withholding evidence from them? And remember how Creighton was like, "You literally just asked for this yesterday. We're not required to give it to you, but we're gathering up the



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information now. So, what are you doing here?" Again, Judge Newman has been like, "Just give your brother the ball, Creighton." The state has never been sanctioned for withholding evidence. There's never been an indication that they've actually been withholding evidence. Dick and Jim raised a ruckus and the judge is always like, "Sounds like they're giving it to you, so we're good here." But that hasn't stopped Dick and Jim from recasting those hearings as, quote, the times we had to go to court and fight you to get our evidence. Technically true, but also very much absent of context.

[00:40:27] **Mandy Matney:** The second element of an Alex Murdaugh murder motion is omission. What they're not telling us is equally as important as what they are telling us. Unfortunately for them but unfortunately for us, we don't know what they're not telling us yet. We don't always know what they're leaving out, but we are sure Creighton Waters will have a response to these motions sometime soon. And if his past responses are any indication, he will be giving them a nice, healthy dose of reality.

[00:41:05] For an example of how Dick and Jim use omission, let's go back to that Eddie Smith story about the murders and the groundskeeper. Yes, it's true that Eddie told SLED that Maggie might have been having an affair with a groundskeeper, but the part that Dick and Jim left out was where SLED found Eddie's account of Maggie and Paul's murders to be completely untrue. Recounting this story and the motion didn't make the story true, but it sure did get people on social media wondering if Maggie was having an affair before the murders. And it sure did get people spreading unfounded speculation in a reckless way. And that was the point.

[00:41:51] Another way that they omit information is by using the tried-and-true method of redaction. They redacted the heck out of a lot of the blood stains expert reports, leaving only small slivers of information that they wanted out there, such as the stains on the white T-shirt are consistent with transfers and not backspatter from a bullet wound. Their claim in this motion is that the bloodstains expert's initial draft said that there was no indication of backspatter and that in the expert's final report, the expert said that he and five other experts have agreed that there were over a hundred areas of spatter that could not have come from anything other than being near a person getting wounded in a high velocity impact situation. Dick and Jim say this shows that SLED pressured the expert to change his opinion by lying to the expert. That's right. They're accusing SLED and they're accusing a man in



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Oklahoma whose income relies on providing sound expert advice in murder trials of changing his opinion on a whim. Also, they insinuated that because SLED had destroyed the shirt, the bloodstain expert came to his conclusions solely based on photographs.

[00:43:20] But here's what that motion doesn't say. The SLED agents physically took the shirt to Oklahoma for the bloodstain expert to look at. But never fear. Dick and Jim are here to twist that inconvenient fact up into a knot. In their second motion, Dick and Jim take issue with the fact that two SLED agents flew to Oklahoma with the shirt to ensure the sanctity of the chain of custody instead of putting it in the US mail. We assume that SLED flew to Oklahoma because they knew had they had mailed the stained shirt, Dick and Jim would've likely used that fact to help sow doubt in the mind of jurors, even though it would've been perfectly acceptable for them to mail it. Also not mentioned in these motions, when the blood stain expert, quote-unquote, changed his mind, was he talking about the same strips of fabric or two different strips of fabric? We don't know because of redaction.

[00:44:25] **Liz Farrell:** The third element you'll find in an Alex murder motion is this: absolute chaos. Dick and Jim's Thanksgiving Eve motion is basically a game of telephone combined with chutes and ladders but played on a Twister mat. It's full of dates and highly technical, fully esoteric information. Their second motion is more like hopscotch in that it's a series of conclusions that they have jumped to. They've arrived at the theory that SLED destroyed evidence and lied to the expert through a compilation of discordant facts like, so and so met on such and such date. And there was a PowerPoint of presentation juxtaposed next to surprise endings like, "And then the blood expert changed his opinion." In the second motion, they are literally using the fact that the two SLED agents traveled to Oklahoma as evidence that they must have coerced the expert while there. They want people to get twisted up in the difficult-to-understand details and become so confused by the data that they walk away not knowing what happened but are readily able to misstate the facts in a way that helps Alex.

[00:45:27] **Mandy Matney:** Now, the fourth element of an Alex Murdaugh murder motion is to bombard us with exhibits. They love a good out-of-context photo, such as the one of cousin Eddie sitting for his polygraph and the zoomed in photo of the polygrapher's laptop that Dick and Jim just decided to call the moment Eddie lied about the murders. The exhibits of the



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Thanksgiving Eve motion included several photographs of the T-shirt and about 40 pages of DNA analysis complete with hypotheses the analyst tested, meaning there is literally a section of analysis that hypothesized a mix of DNA as belonging to Maggie and CB Rowe together and one hypothesis that Connor Cook was a contributor, which doesn't mean anything besides the fact that it's interesting those were the theories SLED was testing last June. When an average person sees this report, they might think, "Hm. There really must be something with that groundskeeper theory or the boat crash theory or else SLED wouldn't have taken the time to test them out." But the truth is that those reports can confuse anyone — investigators, too.

[00:46:55] Also, we have to add that we know that a majority of the people listed in the DNA analysis, specifically the boat crash victims and their family members, submitted their DNA voluntarily. They were never suspects. I couldn't help but notice how the defense had no problem putting these people's names out there in this motion, while they also managed to black out several pages of information in the same motion. These are the seeds of doubt that we are talking about. If some amateur sleuth knew nothing about DNA reports, I could see how they could look at the 96 pages as a goldmine for information. I could see them saying, "Look. The boat crash victims got their DNA taken. Maybe there is something to that theory," which, by the way, there are way too many people online trying to be alternate theory masters, and Dick and Jim know this. They want to use it to their advantage to sway the jury. That's why it's important to hear straight from the analyst and experts and get their interpretation of the data and all of the context entailed, which, by the way, if anyone out there is listening has experience in DNA analysis, please email info@murdaughmurderspodcast.com. But for the defense looking to confuse the public at large, these pages of DNA analysis serves Alex Murdaugh much better to have weird photos of cut up T-shirts and 40 pages of hypothetical DNA analysis out there because it's confusing and that's what they want.

[00:48:39] **Liz Farrell:** And finally, the fifth element is constant contradiction. Beyond the contradictions we've already noted between the first and second motions, there were others. In the first motion, Dick and Jim note that Alex couldn't have killed Paul because his shirt had none of Paul's blood on it. In the second motion, they repeatedly say that the expert and investigators had determined Paul's blood spatter was on Alex's shirt. So, which is it? The contradictions likely don't bother Dick and Jim too much because they're not



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counting on anyone digging into the facts and comparing them. Okay. So, that said, we don't know what's happening here. SLED and the AG's office took more than a year to charge Alex in these murders. Dick and Jim say that's a sign they targeted Alex from the beginning, got embarrassed that it was taking them so long to find probable cause to arrest him, and then apparently manufactured what they needed to make it happen. But the truth is SLED and the AG's office took that time because of the massive crossing of their T's and dotting of their I's.

[00:49:40] So while we know the five elements of an Alex Murdaugh murder motion and we know that we, unlike the rest of media apparently, don't have any reason to trust the sources here, meaning Dick and Jim, it concerns us that SLED and the AG's office left this one wide open for exploitation. Did the bloodstain expert, quote, change his mind? When Dick and Jim say that SLED initially found no blood on Alex's shirt, is that true? I mean, how could that be true? This is why we need a faster response from the state. Dick and Jim filed these motions when they did not only for the headlines, but because they knew that state employees were off for the holidays. That has now left us days without clarification; days in which people think "Was SLED up to no good here?" Dick and Jim are asking Judge Newman to order the state to provide all the information they're now asking for, such as the Photoshop documents of the photos. And, by the way, Photoshop is a program you can use to enlarge and markup photos. It doesn't automatically mean the photos were altered to manufacture evidence against Alex. But, again, that's what Dick and Jim want the headlines to insinuate. Dick and Jim also are asking the judge to rule that the shirt should not be entered into evidence, and they're demanding a pretrial hearing that would include on-stand testimony from SLED agents and the bloodstain expert from Oklahoma. Dick and Jim have been dying to get some witnesses on the stand. Judge Newman already denied this one, so it will be interesting to see what he does here.

[00:51:14] **Mandy Matney:** Look. Overall, we can't say for certain if these claims are completely BS or not because so much information is missing. What we can say is that these motions contain partial information from a source that has been unreliable since day one in this case; a source that has lied about so many things, it is hard to count at this point. But specifically, they lost credibility when they told reporters a completely false narrative about Alex's Labor Day shooting incident. This stack of, quote, evidence in this motion reminds me of the stack of medical records they gave reporters last year after



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the, quote, shooting. The records were confusing, heavily redacted, and intentionally misleading. Reporters should weigh the credibility of the source every time they write a story, and they should be including context about how Dick and Jim haven't been truthful in the past. This is a time where credibility really matters in journalism, and I hope that journalists remember that context is key when it comes to credibility. Just because Dick and Jim have lost their credibility, doesn't mean that journalists do, too.

[00:52:41] And while these motions were full of confusing half-truths, there were a few new things that we learned that we wanna tell you about. The first is a "well, well, well" situation. You know how we've been saying for a while that something happened in August 2021 that caused 14th Solicitor Duffie Stone to recuse himself suddenly after two months of insisting that he belonged on the case and wasn't messing anything up being there? Turns out, we were right. Thanks to Dick and Jim's motion, we learned that SLED was in fact conducting forensic tests in the murder investigation on August 10th, the same day that Duffie recused himself. Now, because this motion is full of partial information, we don't know the full results of those tests, but it wouldn't be a stretch to think that on August 10th, something about those tests made Duffie Stone, Alex's former boss, recuse himself from the investigation. Now, a lot happened after this and very quickly. Russell Laffitte and Palmetto State Bank went into find out season, and Russell started cleaning up the mess he allowed Alex to make there. And PMPED did, well, nothing. According to them, they were too shy to interrupt Alex's grieving to ask him again for proof that he wasn't stealing from them. We'll cover that in a later episode. Anyway, it's no wonder that by the first weekend of September, Alex was apparently staging a shooting on the side of the road. The situation was getting real for him in August, and that keeps becoming more clear.

[00:54:32] Another big thing that we learned in the motion, according to Dick and Jim, Paul was killed in a small closet with multiple 12-gauge shotgun blasts at point-blank range. And according to the case synopsis from the blood spatter experts, Alex said that he not only touched both victims while checking for life signs, but he tried to roll Paul over and couldn't before he called 911. I think that that information is going to be very important in disputing the evidence. They'll say that the blood is all from him frantically checking for vital signs, but why would he try to roll Paul's body? This is interesting because one question that we've always had is about Paul's



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phone. Why was Maggie's phone taken and thrown in the woods, but Paul's was apparently found with him? Is it possible that the phone was found underneath Paul's body? Why was Paul killed in a closet, assuming at the kennels, and Maggie was killed outside? What really happened in those last few horrifying moments of their lives? We also learned that apparently while Alex was being interviewed by investigators the night of the murders, the initial interview, which lasted around 34 minutes, he wore the bloody shirt and then wiped his sweaty face with it, which is apparently caught on body cam. That face wipe is probably going to end up playing a big role in his defense. But our question is, how could that happen? Why wasn't he immediately treated like a crime scene himself?

[00:56:19] And another question we have is about this mysterious blue raincoat that was apparently discovered in the second floor closet somewhere, presumably at Moselle or Randolph Murdaugh's house. Investigators couldn't develop a DNA profile off of it, according to these documents. But why is it significant? If it was found at Alex's parents' house, do investigators believe that Alex stashed it there? And if so, what would he have been stashing?

[00:56:51] The good news is that in the next two months, each motion and each response will give us new insight into what awaits us in January. We're all going to be able to go into this trial with an updated timeline and a whole bunch of new facts that help us get closer to the big questions we have here. If Alex did this, did someone else help him in the cover-up? Why were Maggie and Paul murdered? What was Alex involved in? What has he been covering up? How many people helped him in this scheme? And where did all of the money go? We have learned a lot in the last few weeks, and I imagine the heat is going to be turning up before trial.

[00:58:13] It is Christmas season and I wanna do my fair share of spreading joy. Let's face it, a lot of the things we talk about are not happy things, so I want to start really celebrating our favorite fans. This week, I wanna give a shout out to Susanne Eaton, who has been a huge supporter of MMP for a long time. On Thanksgiving, she tweeted me that her and her husband rescued a bunch of puppies and she kept one. On Twitter, she asked for help from our fans in naming her. And since she was rescued the same week as the Laffitte trial verdict, I voted to name her "Justice" and Susanne kindly loved it. Anyways, over the weekend, Justice was diagnosed with parvo and had to spend



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several days at the vet. I was really worried about Justice this weekend. I won't lie, I am a sucker for a cute blue-eyed puppy. I kept checking Twitter and seeing if there were any updates. And finally on Monday night, Susanne tweeted that Justice was on the mend and was brought home. And Susanne, we will be sending you an Aura Frame so you can put lots of cute pictures of Justice on there and celebrate the good times in your life. I'm saying this to say that I love hearing from y'all and the good things that you're doing and how the podcast changes your lives in different ways. So thank you to our amazing listeners, and I cannot wait to highlight another fan next week. So stay tuned and stay in the sunlight.

[00:59:50] **Outro:** The Murdaugh Murders Podcast is created and hosted by me, Mandy Matney, produced by my husband, David Moses. And Liz Farrell is our executive editor. From Luna Shark Productions.

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