



EPISODE 79: Alex Murdaugh Trial Week 3: Trust, Brotherhood & Understanding The Motive

[00:00:00] **Mandy Matney:** I don't know if there will ever be justice for Maggie and Paul Murdaugh. But when it comes to actually convicting a Murdaugh through a fair trial in Colleton County, everything is complicated and nothing is as it seems. My name is Mandy Matney. I have been covering the Murdaugh family for almost four years now. This is another special episode of the Murdaugh Murders Podcast live from Walterboro as the Murdaugh Murders trial is underway. MMP is produced by my husband, David Moses, and written by my amazing best friend, Liz Farrell.

[00:00:52] We are now in the third week of Alex Murdaugh's murder trial. And like we said last week, this is going to go on considerably longer than everyone originally believed. As of Tuesday evening, the state had only called 35 witnesses from a list of more than 250 potentials. So, it's continuing to move slowly with more than 400 pieces of evidence so far. Also moving slowly are Dick and Jim. It's almost as if the defense is purposely trying to drag out the fatigue of the jury.

[00:01:28] And then there is this: on Monday morning after hearing from eight witnesses without the jury present in a set of hearings that spanned three days, Judge Clifton Newman granted the prosecution's request to introduce testimony about Alex Murdaugh's financial pressures at the time of the murders. That is a big deal. On Monday afternoon, we began hearing testimony related to the financial accusations with a Bank of America representative. But testimony did not begin in earnest until Tuesday morning when PMPED Chief Financial Officer Jeanne Seckinger took the stand. Newman's decision to allow this testimony will inevitably add time to what seems to be shaping up to be one of the longest murder trials in South Carolina's history and this could make a huge difference in how the jury understands the murders of Maggie and Paul Murdaugh and why Alex Murdaugh might have thought that the killing of his wife and son would solve his problems. This is important. So many people seem to have trouble understanding what we mean and what the State means when we talk about Alex's financial pressures and how we believe that they are connected to the alleged motive of the murders. First: it is hard for people to put themselves in Alex's shoes and picture this alleged decision being made. That's absolutely understand. A man killing his wife and son — two people he seemed to love beyond measure — according to both his lawyers and testimony so far, is an



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incomprehensible, horrible thought. Murder is not at all a solution that most people would ever consider in the face of mounting financial stress. Although we should point out that Alex's mounting financial stress was far and away more unusual and more consequential than the average person's. In addition to not understanding why Alex might have killed Maggie and Paul, there are also a lot of people who are giving Alex an automatic pass, even some going as far to say white-collar criminals are not violent, which is completely inaccurate and a really dumb thing to say. Also, there are a lot of newcomers to the story and they don't know yet or appreciate the full scale of Alex's history and this is why it was critical for the State to be allowed to explain the external pressures Alex was feeling on June 7th, 2021. But like I said, this somehow has gotten conflated with the idea that the state plans to itemize every single accusation against Alex from the past few years and therefore, blacken his eyes needlessly in front of the jury, meaning that the evidence will vilify him, clouding the jury's judgment about his character and the crimes he's alleged to have committed. But that is not what is happening here.

[00:04:36] So, before we get into everything, we want to explain this. Late last week and over the weekend, a lot of people were weighing in on social media and especially on TV, about why they think Judge Newman should not allow evidence of Alex's financial trouble at PMPED — his thefts from the law firm and what the firm discovered Alex had been up to prior to the murders. The thought was that knowing these prior bad acts would prejudice the jury against Alex more than it would speak to the motive as to why he might have committed these murders. Judge Clifton Newman can explain his decision better. Here is what he said as he announced his decision to allow testimony about Alex's financial pressures at the time of the murders.

[00:05:26] **Judge Clifton Newman:** Under the law of this state, evidence of other crimes is not admissible to prove the character of the person in order to show action in conformity therewith. An exception, however, exists when the evidence is offered to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident or intent. And before admitting this evidence, the Court must first determine if it's relevant. Our rules define "relevance" as evidence having any tendency to make the



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existence of any fact that is of consequence to the determination of the case more probable or less probable than it would be without the evidence. After determining relevance, the Court must determine if the evidence falls within an exception to Rule 404. In determining if an exception exists, the evidence must be logically relevant to the particular purpose or purposes for which it is sought to be introduced and this requires the Court to analyze whether a logical nexus exists. Evidence is logically relevant when it reasonably tends to prove a material fact and issue. And, of course, the evidence of any other crime offered to be admitted and into evidence or proven or testified to must be proven by clear and convincing evidence. According to the State, the nexus is supported by the unusual circumstances of the murders in that the defendant was the last person to see his wife and son alive and the one who discovered the bodies all in a relatively short period of time. The State has presented evidence in this in-camera hearing, evidence of numerous financial crimes allegedly committed by Mr. Murdaugh. The State argues that the logical nexus between the murders and other crimes is that the looming exposure of financial crimes provided motive for the murders and is evidence of malice — an essential element of the crime of murder. While motive is not a necessary element, the State must prove malice and evidence of motive may be used to prove it. And in this case, since the identity of the perpetrator is a critical element that must be proven beyond a reasonable doubt, evidence of motive may be used in an attempt to meet that burden. Now, this evidence of other crimes is admissible and it's non-propensatory as it does not suggest to the jury that the defendant has a tendency to commit murder. I specifically find that these other crimes will not lure the jury into declaring guilt on a different ground or than the specific charge. Thus, it's not — thus, it is non-propensatory evidence and supported by State law.

[00:09:35] **Mandy Matney:** What he's saying is "I believe that the jury can reach a fair verdict about the murders without getting it confused with his possible guilt in the financial crimes," meaning just because he might have stolen money does not make him a murderer. But the fact that his alleged crimes seem to be getting closer to being discovered in June 2021 — that could speak to the "why" of the murders.



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[00:10:02] Now before Monday, we heard from PMPED Chief Financial Officer Jeanne Seckinger about what was happening in the days leading up to her confrontation with Alex on June 7th, 2021. Turns out, Alex had a history of bad behavior at PMPED, which we will talk about in a bit. But most importantly, he had a few confrontations about two misappropriated fees in May 2021. The first fee was less than a hundred thousand dollars and he claimed that it was going to the real Forge Consulting because he was putting money away in Maggie's name to hide it from the boat crash victims. And the second fee was for \$792,000 from his friend Chris Wilson's office. Remember what Alex told the 911 dispatcher and first responders that this was about the boat crash. Well, we don't think that he's wrong. First, Seckinger talked about a June 2nd, 2021 email that was sent from PMPED to Chris Wilson's office.

[00:11:07] **Jeanne Seckinger:** Vicki responded that she would have to send that email to Chris 'cause she did not have privy to that information. So, that was on the second. The next day, Alex came into my office suddenly and asked me why I needed that information and assured me that the money was in Chris Wilson's account and that they could get it any time.

[00:11:27] **Creighton Waters:** Okay. And did y'all discuss any further anything further when you had that conversation?

[00:11:32] **Jeanne Seckinger:** Just that we needed to get it or I needed proof that we that it was there, that it was necessary to get it. At that point, I didn't indicate to him that I thought it was missing. I was just asking for the documentation.

[00:11:43] **Creighton Waters:** And that was on what day?

[00:11:45] **Jeanne Seckinger:** It was sometime in between June 2nd and June 7th.

[00:11:50] **Creighton Waters:** Okay.



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[00:11:51] **Mandy Matney:** And here is what happened on the day of the murders.

[00:11:55] **Creighton Waters:** Alright. On June 7th, did the issue come back to a head?

[00:11:58] **Jeanne Seckinger:** The issue did come back to heads.

[00:11:59] **Creighton Waters:** Just to be clear. This is June 7th, 2021.

[00:12:02] **Jeanne Seckinger:** This is — yes. Yes.

[00:12:04] **Creighton Waters:** And how much were these fees supposed to be? Did you know?

[00:12:06] **Jeanne Seckinger:** \$792,000 in total.

[00:12:09] **Creighton Waters:** And to this point, the firm had not received those fees. Is that correct?

[00:12:12] **Jeanne Seckinger:** That's correct.

[00:12:13] **Creighton Waters:** And Chris Wilson's office is saying initially, we already disbursed them.

[00:12:17] **Jeanne Seckinger:** Yes. And Chris Wilson's not saying anything to me.

[00:12:22] **Creighton Waters:** Was — to your knowledge, was an inquiry made to Chris Wilson at that time?

[00:12:25] **Jeanne Seckinger:** Lee Cope. We had not inquired Chris Wilson other than requesting this information at this point in time.



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[00:12:34] **Creighton Waters:** Alright. So, tell me about June 7th. How does that go?

[00:12:37] **Jeanne Seckinger:** So, on June 7th, I was gonna make another run at finding out from Alex if we had their information. I went upstairs to — his office is on the second floor and he was on a leaning on a file cabinet outside his office. And he turned and looked at me when I came up and said, "What do you need now?" And gave me a very dirty look, not a look that I'd ever received from Alex from. Just kind of a frustrated with me look, which made me go, "Oh, you want to know? Let's go in your office." So, we went in the office and closed the door. And at that point, I told him that I had reason to believe that he had received the funds himself and that I needed proof that he had not.

[00:13:20] **Creighton Waters:** Received those fees himself.

[00:13:21] **Jeanne Seckinger:** Yes.

[00:13:22] **Creighton Waters:** And I needed proof that they are not. What did he tell you?

[00:13:25] **Jeanne Seckinger:** He told me again that he assured me that the money was there and that he could get it. And at that point, I said, "I know —" I said "I'm just trying to do my job and if I don't get this paperwork and verify that with these questions, I'm not doing my job." He actually acted like he respected that and again said that that money was there and that he, again, was trying to decide what he was gonna be doing with it.

[00:13:51] **Mandy Matney:** The conversation ended when Alex got a phone call with bad news.

[00:13:56] **Creighton Waters:** And did y'all get to conclude that conversation or did something interrupt it?



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[00:13:59] **Jeanne Seckinger:** We did not. He took a phone call in the middle of that conversation. That phone call was about his father that was in who was in the hospital; that he was gonna be terminal and that there was nothing else they'd be able to do for his father. So, that changed the mood of the conversation. We quit talking about business and I immediately asked about him and his family and his dad and, you know, we got talking as friends at that point. Concern over the family. And after that, I shortly left so it briefed and cut down the conversation.

[00:14:32] **Creighton Waters:** Alright. You come in there asking for proof where that money was 'cause you had reason to believe he took it. And then, the conversation ultimately got short by the call about his father.

[00:14:43] **Jeanne Seckinger:** Yes.

[00:14:44] **Creighton Waters:** Did you have a conversation later in the day with Alex?

[00:14:47] **Jeanne Seckinger:** I did. Around four o'clock, my phone rang and I remember that because I had been under the impression Alex was gonna leave and go to the hospital or leave to deal with his father. And around four o'clock, my office extension rang. And at that point, he was asking me for some information on his 401(k) balances because he stated he was working on some financials for the hearing on the boat accident that was later in the week.

[00:15:12] **Creighton Waters:** There was a hearing later in the week and he was working on financials for the boat accident.

[00:15:16] **Jeanne Seckinger:** Yes. Correct.

[00:15:17] **Creighton Waters:** Did that strike you as odd?



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[00:15:20] **Jeanne Seckinger:** That he called and asked me? No, he had asked me before, so — and he I would be the one to give him the 401(k), so it didn't surprise me that he's calling and asking about that. But I was surprised that he was in the building working on it.

[00:15:34] **Mandy Matney:** A quick aside about the Randolph factor here. Later, we heard testimony from Alex's former law partner, Ronnie Crosby, about a meeting at Alex's brother's hunting Lodge on June 10th, 2021. That happened before the Murdaughs met with SLED again. We played you a part of that interview last week. At that meeting were members of PMPED, Alex, Alex's son Buster, Alex's brothers, John Marvin and Randy Murdaugh, along with Paul's attorney, Jim Griffin, who is now Alex's attorney. Also, there was Randolph Murdaugh. Randolph, who was apparently on his deathbed, still helping Alex until the very, very end. Randolph went home and after the SLED interviews, as the men were leaving John Marvin's hunting lodge, they got word that he had died. On Monday morning, Ronnie testified without the jury present. His testimony was so that the judge could determine whether what Ronnie heard Alex say that day would be considered attorney-client privilege because of Jim Griffin being in the room. The judge again sided with the State, allowing Ronnie's testimony to be heard in front of the jury. Ronnie took the stand again Tuesday and looked far more nervous and uncomfortable than he did in November when he confidently testified in Russell Laffitte's federal trial. His testimony was extremely emotional but also credible. It was heartbreaking on a human level. It is because of this that Ronnie Crosby did a lot of damage to Alex's alibi. But he also helped the defense a little and we'll get to that.

[00:17:21] Now, before Alex knew that he could be heard on Paul's video from 8:44 that evening, he told police that he did not go down to the kennels that night before leaving Alameda. He also said that he took a nap on the couch, woke up around 9:00 PM, and left. These timeline problems, the existence of a video that shows that he did not fall asleep on the couch after dinner but instead was down at the kennels with Paul and Maggie shortly before the murders, have been waived off by Dick and Jim as not a big deal. So what if Alex forgot he didn't nap and he did go down to the kennels? He was grieving



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and in shock when he spoke with law enforcement. He got confused. But on Tuesday, Ronnie testified that Alex had told him and others at that meeting June 10th that he was sleeping on the couch between 8 and 9:00 PM and, again, that he did not go down to the kennels before leaving for Alameda at 9:06 PM that night. And then, Ronnie listened to the video that Paul took at 8:44 PM and Ronnie identified Paul's voice, Maggie's voice, and Alex's voice. He said he was 100% positive that was Alex. It would appear that Alex was committed to the alibi-lie. He did not equivocate. He never said "I'm not sure" or "I don't remember" and he didn't just accidentally misremember things the night of the murders when he was talking to police. He was clear that he was napping between 8 and 9:00 PM and he did not go down to the kennels. According to the testimony of at least five people now, Alex was not taking a nap and was down by the kennels right before the murders, meaning he misled investigators.

[00:19:15] So, back to the financial pressures. The main alleged crime that the State outlined stems from that \$792,000 fee and the pressure Alex likely felt in trying to get together enough money to pay back Chris and therefore, PMPED before PMPED understood that Alex had stolen it. Because Alex stealing from PMPED would mean that PMPED would not only have to report him to the Bar, assuming that they would've had the will to actually do that and finally hold him accountable, it meant his license would be in jeopardy and PMPED would have looked further into his files and immediately have seen he was stealing from clients. That was something Alex would not have wanted to happen. And that brings us to the boat crash case. We'll be right back.

[00:20:21] **Liz Farrell:** The biggest thing that happened Monday before Judge Newman made his decision to allow the financial testimony was that the world got to finally meet the mysterious Mark Tinsley in the most epic of ways. Mark is the attorney for the Beach family as well as boat passengers Morgan Doughty and Miley Altman, both of whom were injured in the crash, and Arthur Badger from whom Alex is accused of stealing \$1.325 million. Arthur Badger's case was not brought up during Mark's testimony. Now, no surprise to us: Mark was fiery on the stand — so fiery that one listener gave him the



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name "Zero Dark Tinsley," which is incredibly fitting. We have said from the beginning that the boat crash case is ground zero in the murders. In episode 46, we laid out all the ways this case is pivotal. We highly recommend relistening because it's basically a primer to what happened this week and to what the State believes lies at the heart of Alex's motive to allegedly kill his wife and son. Mark was able to perfectly describe why the boat crash heavily factored into Alex's life at the time of the murders. To start with, Mark told the court about his relationship with Alex over the years and how there came a point in time when Alex started to understand that Mark wasn't playing by the rules of the Good Ole Boy system. Mark wasn't going to pretend to go after Alex or shortchange the Beach family in any way. The family knew the havoc Alex and his family had caused over the years and how that havoc would get swept under the rug. They saw how overtly manipulative he was when trying to manage and control and stave off any accountability that might come his way. And it was offensive. Mallory Beach, their daughter, was gone forever, not only because of what Paul did, but what he was enabled to do. They wanted Alex to feel the seriousness of that; to take responsibility for it. They wanted Alex to be put in a place where he would change his behavior, where the family would stop swinging from vine to vine of covering up Paul's well-known and well-established reckless behavior. Mark wasn't going to let his clients down.

[00:22:42] Now, the key thing to understand here — the thing that so many people are glossing over by reducing the State's argument of motive to that one word "sympathy" — is that Alex didn't want to pay for the boat crashes, at least not the amount that Mark believed the case was worth. Alex wanted to leave it up to his insurance company and be done with it. But his insurance company was like, girl. We're not covering you for that. This policy is for hunting at Moselle and doesn't include water-related accidents in your family's boat an hour away that your drunk son was driving. They took him to federal court and around the time of the murders, it seemed all but a done deal that the court was going to side with the insurance company.



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[00:23:24] Okay. Let's get into Mark's testimony. Here's Mark talking about how Alex employed one of his favorite tactics in an effort to stop the Beaches from pursuing the case against him and Buster: bullying.

[00:23:37] **Mark Tinsley:** It's in the evening before everyone goes to dinner or it's immediately after. I'm not a hundred percent certain. But the room's full of lawyers and Alex sees me and he comes across and he gets up close in my face and says, "Hey, Bo. What's this I'm hearing about what you're saying? I thought we were friends." And I replied, "Alex, we are friends. If you don't think I can burn your house down and that I'm not doing everything and I'm not gonna do everything, you're wrong. You need to settle this case."

[00:24:14] **Creighton Waters:** Okay. And so, what was the point of that conversation? What was — if you can explain to the court what y'all were talking about. What is Alex upset about as you understood it?

[00:24:25] **Mark Tinsley:** That he was gonna have to pay was what he was hearing. That's what it was. That's what — the point of it was we're friends. I took it as he tried to intimidate me. He didn't intimidate me and sort of bully me into backing off.

[00:24:42] **Liz Farrell:** So, at some point later, Alex and his attorneys began telling Mark that Alex had no money; that Alex was broke. Now, Mark is an attorney in the adjacent county and in the same court circuit as Alex. He knew from court rosters that Alex was settling cases; that he was not just making money but good money. For Alex to say he was broke, well, it seemed like a lie and Mark set out to prove that. Here's Mark describing Alex's personality. Listen closely because it's good insight into the "how" of Alex Murdaugh — how he was able to operate that long without getting caught for his alleged thefts.

[00:25:24] **Creighton Waters:** Was he good at understanding the emotional and sympathetic aspects of plaintiff's work and to work that can be so crucial in defining what recoveries can be in these types of cases?



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[00:25:39] **Mark Tinsley:** Yeah. I think he was particularly good at reading people and knowing what made people tick.

[00:25:48] **Creighton Waters:** You've testified that you had made it very clear to the defense throughout this time period that you were seeking a substantial personal recovery from Alex and had been told, well, he's broke, which you then responded "I don't believe that. Show me the books." Correct?

[00:26:01] **Mark Tinsley:** Correct.

[00:26:01] **Creighton Waters:** And that was on the table for June 10th, 2021.

[00:26:06] **Liz Farrell:** Like we said, Mark was on to Alex. So, in the fall of 2020, he filed a motion to compel Alex to give him a list of his bank accounts, investment accounts, insurance policies, and retirement accounts. Mark was then going to subpoena for those records. It was then he and most importantly, Alex's law partner, Danny Henderson, who was serving as Alex's personal attorney in the boat crash case, would have discovered Alex's fake Forge accounts at Bank of America and the whole house of cards would've tumbled down. Here's the thing. Alex didn't produce the list and continued not to produce the list. Finally, a hearing was scheduled for June 10th, 2021. Now, real quick. Dick and Jim have argued that this would not have felt like pressure to Alex because defendants in civil suits don't have to open their books like that for the plaintiffs. All Alex would've had to do is give Mark a total of his assets but because Alex had claimed to be broke, this sort of put him in a different position. Additionally, if Alex felt no pressure about this, why was he working on getting that list together for Mark on June 7th, 2021 as late as 4:00 PM that day?

[00:27:19] **Mark Tinsley:** Well, so, there are a couple things going on here. In October of 20, I filed a motion to compel. Alex said he was broke. He doesn't have any money. He may be able to cobble together some amount of money but he's broke. And I didn't believe it, so I filed a motion to compel and about a week after I'd filed that motion to compel, Danny Henderson, who again was Alex's personal lawyer, came to my partner. Said he couldn't believe that



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we were going after Alex personally. It was a line in the sand that I had crossed, a number of things like that. So, that's what this conversation is about. And, you know, by November — this is I think November of 2020, the Beach family, they want accountability. They want a pound of flesh and whatever that's gonna be, it's only gonna be through a jury or through a substantial settlement.

[00:28:29] **Creighton Waters:** Alright. Well, let me back up and we'll get to the motion to compel in a second. You mentioned that you had been told by the defense essentially that Alex had no money, correct?

[00:28:40] **Mark Tinsley:** He's broke.

[00:28:40] **Creighton Waters:** Alright. Did they say he could cobble together a certain amount?

[00:28:43] **Mark Tinsley:** He thought he could cobble together a million dollars.

[00:28:45] **Creighton Waters:** A million dollars. And did you believe that that was accurate?

[00:28:48] **Mark Tinsley:** It couldn't have been.

[00:28:50] **Creighton Waters:** Alright. And why did you not believe that that was accurate?

[00:28:52] **Mark Tinsley:** Well, when you practice law, not necessarily with, meaning in the same case, but when you go to a roster meeting, if there were 50 cases on the roster in Hampton, Alex may have had 50 or 60 of those — percent of those cases. And so, they're actively being settled. I know that he's actively making money and you just can't possibly be broke if you're making money like the way he was making money. And then beyond that, I'm — I



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mean, my clients have known Alex and his family forever and so, their perspective is that there's generational wealth as well.

[00:29:36] **Liz Farrell:** Another thing that was happening is that Mark was leveraging Maggie and Paul. He had not included them with the defendants because he wanted to maintain that bargaining chip of adding them to the case or suing them separately. Mark had told Alex as much, including shortly before the murders.

[00:29:55] **Creighton Waters:** Alright. If you would, got this up on the screen, so can you tell me what's going on? And again, this was in April of 2021, is that correct?

[00:30:01] **Mark Tinsley:** It is.

[00:30:02] **Creighton Waters:** And tell me what's going on with this conversation right here and how it relates to these issues.

[00:30:07] **Mark Tinsley:** Yeah. So, in August of '20, I found out I had cancer. And by November, I knew how bad it was and so, in January, I went to — I had stage four cancer and I went to Florida from the end of January till April the 15th on my first round of treatment. So, I'd just come back. Shortly before I was diagnosed with cancer, John Tiller was also diagnosed with pancreatic cancer and there's some degree of urgency between John Tiller and myself to finish this case. While I was in Florida — I think I failed to mention that Greg Parker's convenience store was also a defendant in the first case. But Greg Parker had done a number of things. And so, so before I leave, the issue is is Greg Parker's moved to transfer venue to Beaufort County, which is where I had done the mock jury. The focus group was in Beaufort County. And while I'm in Florida, things have changed in terms of what he's done that have changed my perspective. Because when I left, I intended to go to Beaufort. By the time I get back, I think I'm staying in Hampton. And so, this conversation is for the first time I've said that I'm gonna leave the case in Hampton. But if I think that Alex has fixed the jury, that he's done anything to affect the



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outcome of the trial, that I'm gonna sue Paul and Maggie the next day in Beaufort.

[00:32:04] **Creighton Waters:** Well, was that communicated to the defense?

[00:32:07] **Mark Tinsley:** Absolutely.

[00:32:09] **Liz Farrell:** You heard that right? "If Alex fixed the jury." That is how real of a concern that was. An attorney literally just said in open court that Alex had the ability to fix juries in Hampton. It's not just a cynical line from a story about judicial hellholes. It was a real consideration that Mark Tinsley had to factor into his decision about where the case should be tried. This brings us to that obstruction of justice investigation we've been telling you about. At the time of the murders, Alex and others, including some in law enforcement, were under investigation for interfering with the boat crash case and the State has subpoenaed for his financial records in the spring of 2021.

[00:32:52] **Creighton Waters:** In the course of your investigation of this case, had you taken depositions of some of the officers who were involved in the investigation?

[00:33:00] **Mark Tinsley:** We did.

[00:33:01] **Creighton Waters:** And at some point, was that some issues arose that were communicated to to the state grand jury?

[00:33:12] **Mark Tinsley:** You're the one that tells me everything happens there's a secret, so you tell me but.

[00:33:17] **Creighton Waters:** I'm asking you today.

[00:33:18] **Mark Tinsley:** But yes.



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[00:33:20] **Creighton Waters:** Ultimately and while you were in Florida in March and April of 2021, to your understanding, had the state grand jury reached out to you for information that you had uncovered in your investigation of the investigation into the boat crash?

[00:33:33] **Mark Tinsley:** Correct.

[00:33:35] **Liz Farrell:** One of the most important parts of Mark Tinsley's testimony was when he made sense out of what the State means when they say "sympathy" is part of the motive. Paul was not only a liability to Alex moving forward in terms of his partying and the looming expense of Paul's criminal trial — remember Dick and Jim were Paul's attorneys — Paul was an existential threat to Alex. Let me say that again. Paul was an existential threat to Alex. Remember Alex is a plaintiff's attorney. He knows where this is headed with Mark Tinsley. He knows the game and he knows Mark isn't going to back off. This case was in the media. There was huge local and statewide interest in it. It was bringing attention to the Murdaugh family that Alex simply didn't have to account for before. Alex, the man, had to have felt that pressure and Alex, the attorney, had to have known that it was all but inevitable that the road this case was now on would only end with the discovery of his alleged misdeeds, not only by Mark, but by Danny, Alex's law partner and his attorney. Alex could have settled the case, but money only seems to go in one direction with Alex Murdaugh — to him, not from him. What were Alex's options? If he messed with the jury, then Mark would sue Paul and Maggie and then have access to Maggie's biggest asset, which was Moselle. If he gave over his list of accounts, then that was the end. Here, Mark explains how Maggie's and Paul's murders affected the boat crash case.

[00:35:09] **Creighton Waters:** After the murders happens, did that have any effect on your assessment of the case against Alex and particularly as it relates to the sympathies and the emotion of the case, which can be so important to recovery?

[00:35:25] **Mark Tinsley:** I mean, yeah. Yes.



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[00:35:28] **Creighton Waters:** Explain that to the court then, please.

[00:35:29] **Mark Tinsley:** Well, initially, probably say the first week, there was the shock and horror of what had happened and nobody really thought about anything other than that. But pretty quickly, I recognized that the case against Alex, if he were a victim of some vigilante, would in fact be over.

[00:35:57] **Creighton Waters:** It would be over.

[00:35:57] **Mark Tinsley:** It would be over.

[00:35:58] **Creighton Waters:** And explain just quickly to the court why that's the case.

[00:36:01] **Mark Tinsley:** Well, you know, when you're asking for a money judgment, people have to be motivated to give you that money judgment. If you represent Attila the Hun versus some sweet old grandmother, nobody's gonna give Attila the Hun money. They would give money to some sweet grandmother. So, if Alex had been victimized by a vigilante, nobody would have brought a verdict back against Alex. And I had other defendants in the case, so I would've ended the case against Alex.

[00:36:43] **Mandy Matney:** The case would've been over and the reason it wasn't was because it started to become clear to Mark Tinsley sometime in the summer of 2021 that something was amiss with Alex's account of what happened. Now, the defense obviously disagreed with Mark Tinsley's take on this. They zeroed in on the certainty that Mark seemed to have that Judge Daniel Hall was going to compel Alex to produce his list of financial institutions on June 10th, 2021. This argument was interesting because it entirely ignored this reality: if Alex hadn't handed over that list, Mark could have and likely would have started subpoenaing the banks and all he needed were two and Alex would've been found out: Bank of America, the largest and most ubiquitous bank in the country, and Palmetto State Bank, which had a close relationship with the Murdaughs and PMPED. Here, Phil Barber for the



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defense questions Mark on cross-exam and you'll soon realize why Dick and Jim chose to sit this one out.

[00:37:52] **Phil Barber:** But the expectation of the outcome of a hearing on June 10th was not that you're gonna get to launch a full-scale forensic audit because you had a conversation with someone who said whose lawyer said, "Oh, he's broke" and you didn't believe it. Not at that stage of the litigation, sir, is it? That's not what's gonna happen, is it?

[00:38:10] **Mark Tinsley:** I don't think you need a full-scale forensic audit for something a five-year-old could see, so no.

[00:38:17] **Mandy Matney:** Mark wasn't going to give the defense any ground at any point in the questioning.

[00:38:24] **Phil Barber:** I mean, in that analogy, isn't it — aren't you really saying the fuse is lit and that you were going after his assets and that fuse is gonna go down until trial because you were going to go to trial against him and that's when the fuse would burn down?

[00:38:39] **Mark Tinsley:** I think the fuse was lit when he started stealing money. Yeah.

[00:38:45] **Phil Barber:** So, it wasn't lit on — it wasn't gonna be lit on June 10th.

[00:38:49] **Mark Tinsley:** It was certainly getting a lot more oxygen.

[00:38:51] **Mandy Matney:** Mark came to that hearing prepared and at one point in the cross-exam, he actually whipped out a copy of an email that indicated that the judge expected Alex to give over the list and would only issue a formal order if Alex refused to do so before June 10th. This was one of those TV show moments. The defense argument to that was that he hadn't ruled therefore, X, Y, and Z wouldn't have happened before Alex's alleged crimes ended up getting discovered, meaning the defense was trying to put



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time and space between when the murders occurred and when the actual discovery of the crimes might have been. Why? Because they wanted to show the judge that one didn't have anything to do with the other. How could this testimony be important in establishing the motive if the one thing Mark is talking about wouldn't have happened for some time? Well, Mark, shut that down.

[00:39:51] **Mark Tinsley:** You know, and we can speculate any number of things could have happened.

[00:39:54] **Phil Barber:** That at some point in the future, you would maybe get a voluntary disclosure and if you didn't like it, then the motion would be heard, the motion to compel. That's what you say it says, right?

[00:40:07] **Mark Tinsley:** Well, if we had shown up and they had made the argument that you're advancing here, then maybe in this imaginary world where there's things that didn't happen, the judge would have actually ruled on it. We would've we would have a ruling on whether or not it was relevant, whether or not I was entitled to it.

[00:40:27] **Liz Farrell:** Mark Tinsley eviscerated the defense and won the respect of thousands of viewers. But more importantly, he was able to articulate exactly how the enormous pressure of the boat crash case and the likelihood of it exposing Alex would've been a factor for Alex on June 7th, 2021. Mark had given Alex an opportunity to settle. He had even offered him a payment plan. He had also given Alex a chance to protect Maggie and Moselle and to protect Paul and the reputation of the family. But Alex didn't take him up on that. So, a fair question to ask is: why? According to the prosecution, the answer to that question is this: a man doesn't have to protect people who no longer exist.

[00:41:12] Now, let's talk about this because like we've said before, this is a circumstantial case, meaning the jury has to consider the totality of evidence, not just one element of it. The motive advanced by the prosecution also needs to be looked at in its totality. Again, there's still a long way to go here.



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There will be much more testimony to consider, specifically about the alleged motive. But we keep seeing the same misinterpretation of what is actually happening here. The alleged motive cannot be boiled down to that one word: "sympathy." Sympathy is a part of it, yes, but this isn't about getting hugs and flowers. If Alex did this, then this is about a man who was trying to solve problems and change outcomes. Here's what we see: on June 7th, 2021, Alex Murdaugh was in trouble at PMPED and this time, they didn't seem willing to shelve it, as Jeanne Seckinger said they had done with other issues they'd had with him before. In response to Jeanne's question about the missing fees, Alex complained to partners about her being, quote, on his case. This was a different type of trouble for him. At the same time, he is millions of dollars in debt and had somehow made the hundreds of thousands of dollars in missing fees disappear as well as a \$150,000 loan from his partner, Johnny Parker, as well as whatever money he got in January 2021 as his annual share of PMPED's profits. At the same time, Alex was trying to take out a \$750,000 loan from Palmetto State Bank. He owed more than a million to them already and this loan was for renovations on a house that was not valued at much more than that. But that loan was being delayed because the bank couldn't get Maggie to agree to a date for an appraisal. At the same time, Alex didn't have enough money to pay back the money PMPED was asking him about, at least not at the speed that would've been required to keep PMPED from realizing what he had done. At the same time, he was at least 11 years into an alleged scheme to steal money from clients, part of which involved two bank accounts opened under the fake name of Forge. At the same time, the boat crash brought new scrutiny onto his family. Paul was facing three felony charges of boating under the influence but had not, according to several sources, changed his ways. At the same time, Alex was under investigation via the state grand jury, an entity far outside his element of control. At the same time, he wasn't sleeping, according to texts from Maggie. And at this same time, Alex's father — his savior, his fixer, the man who spent his last few hours on earth helping Alex with a giant mess — was dying. This is the alleged motive as we see it. We'll be right back.

[00:44:16] **Mandy Matney:** So, over the past few weeks, we've seen that y'all are picking up on the very thing we've been talking about since day one: the power and corruption, the entanglement involving the Good Ole Boys from



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both sides of the courtroom, the unspoken alliances, the gentleman's treatment, and the blurred lines between the law and those who think they're above it. This is what separates the Murdaugh case from most other true crime cases out there. In the courtroom, there has been a cloud of power and corruption looming over this entire case that we need to talk about. The elephant in the room, we like to call it. The talking heads either don't see this elephant or they pretend to not notice how much this elephant has been complicating this case. But to us, it's apparent in so many forms. First, we've seen it in the form of fear among several witnesses. But none of them really shook me like watching Shelley Smith, Libby Murdaugh's caretaker, take the stand. I wanna talk about Shelly for a second because she represents so many hard-working people I've met from Hampton in the past few years. Shelley works two jobs. She works at the Hampton School District during the day and at night, she took care of Libby Murdaugh, Alex Murdaugh's mother who has dementia. Shelley testified that she saw Alex Murdaugh on the night of June 7th. She wasn't sure of the time, but she thought it was between 8:30 and 9:30. *America Says*, the game show, was on TV. Libby was asleep when he arrived. She said that it was unusual to see Alex visiting at night, but he had been there on occasion before. She said he was acting fidgety. She said that she doesn't believe Libby knew that Alex was there. According to Shelley, Alex stayed 15 to 20 minutes and was looking at his phone as he laid on her bed, then he left. Days later after Randolph died, Alex was at Libby's house and spoke to Shelley. Alex stated to her that he was at the house on the night of June 7th, 2021 for 30 to 40 minutes, according to her testimony. This upset Shelly, obviously, and she told her brother, who is a law enforcement officer, about it. I wanna play this part of the testimony where she describes this conversation because it strikes straight to the heart of how Alex Murdaugh held so much power. It speaks to the methods that Good Ole Boys use to make those around them complicit while still maintaining a measure of plausible deniability in case they get questioned about what they said.

[00:47:12] **John Meadors:** Was he there 30 or 40 minutes that night?

[00:47:14] **Shelley Smith:** Nothing too long.



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[00:47:22] **John Meadors:** Why are you crying, Miss Smith?

[00:47:25] **Shelley Smith:** 'Cause they're a good family and I love working here and I'm sorry all this happened. They're good people.

[00:47:33] **John Meadors:** He wasn't there no 30 or 40 minutes, was he?

[00:47:39] **Shelley Smith:** No. No.

[00:47:44] **John Meadors:** Did that conversation upset you?

[00:47:49] **Shelley Smith:** Somewhat.

[00:47:49] **John Meadors:** You upset right now?

[00:47:50] **Shelley Smith:** Yes.

[00:47:52] **John Meadors:** Did you call anybody about it?

[00:47:53] **Shelley Smith:** My brother.

[00:47:55] **John Meadors:** You called your brother after that conversation with Alex?

[00:47:58] **Shelley Smith:** Yes.

[00:47:59] **John Meadors:** To tell him about that conversation?

[00:48:00] **Shelley Smith:** Yes.

[00:48:01] **John Meadors:** And just to be clear, what was the statement he said about how long he was here?



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[00:48:10] **Shelley Smith:** 30 to 40 minutes.

[00:48:12] **John Meadors:** But his phrase was "I was here" —

[00:48:14] **Shelley Smith:** "I was here 30 to 40 minutes."

[00:48:19] **John Meadors:** Not to pry but I can't help it sometime. What else is going on in your life right now?

[00:48:28] **Shelley Smith:** Just working hours and hours.

[00:48:33] **John Meadors:** I understand what you're saying. When you go get married —

[00:48:40] **Shelley Smith:** I was planning on getting married. I was planning on to.

[00:48:44] **John Meadors:** And had Alex Murdaugh mention anything to you about your upcoming nuptials?

[00:48:49] **Shelley Smith:** Yes.

[00:48:50] **John Meadors:** And when was that?

[00:48:52] **Shelley Smith:** Day afterwards, I'm thinking.

[00:48:53] **John Meadors:** The day after this?

[00:48:54] **Shelley Smith:** I'm thinking it was, yes.

[00:48:55] **John Meadors:** After the conversation you said?

[00:48:56] **Shelley Smith:** Yes.



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[00:48:57] **John Meadors:** Where were you?

[00:48:58] **Shelley Smith:** At Miss Libby. At the house.

[00:49:01] **John Meadors:** And what did he say about your marriage or upcoming potential marriage?

[00:49:06] **Shelley Smith:** "I heard you was getting married." I said yes. He said if I can, you just let me know 'cause I know a wedding is gonna be expensive. I said, well, thank you.

[00:49:12] **John Meadors:** The wedding's gonna be expensive.

[00:49:13] **Shelley Smith:** He said the wedding's gonna be expensive. I said, well, thank you.

[00:49:15] **John Meadors:** Did he offer to help?

[00:49:16] **Shelley Smith:** Yes, he offered. He offered. That's the type of person, a good person.

[00:49:20] **John Meadors:** And did he ever mention the wedding to you before?

[00:49:22] **Shelley Smith:** No.

[00:49:23] **John Meadors:** Had you mentioned that to him before?

[00:49:24] **Shelley Smith:** No. Uh-uh.

[00:49:27] **John Meadors:** Did he have a conversation in anything else about your job? Were you working at the school?



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[00:49:34] **Shelley Smith:** Yes. At the school, yes.

[00:49:35] **John Meadors:** Did Mr. Murdaugh mention to you about your school and your position there?

[00:49:38] **Shelley Smith:** Yes.

[00:49:39] **John Meadors:** Tell me what he said, please.

[00:49:40] **Shelley Smith:** He said that, you know, if you need a position at school, you know, my good friend is there. I said, yeah. I know. Worked at the school. The principal.

[00:49:52] **Mandy Matney:** Okay. Wow. Shelley Smith, who was visibly shaken on the stand, told the court that Alex was for all intents and purposes instructing her to lie about his alibi. And then, Alex slipped in that he could help her with her wedding and then he reminded her of the power he had in the school district she worked in. And that right there is Good Ole Boy-ism that has ruled for generations in Hampton County, South Carolina. Miss Shelley was put in a position where it was being made clear to her that he expected her to comply. He knew she worked at the school district and she knew that her livelihood could depend on it. Miss Shelley's fear was palpable and it is such an example of the kind of cajoling we've heard goes on in Hampton County. And I have to say this. Miss Shelley's bravery should be commended.

[00:50:57] **Liz Farrell:** The second elephant we've noticed pertains to the crime scene. We've already talked about this but we finally got to see how the presence of 14th Circuit Solicitor Duffie Stone and his investigators at the crime scene might serve to benefit Alex. Investigator Dylan Hightower, one of Alex's colleagues at the solicitor's office, helped locate and collect Maggie's phone at the scene. Turns out, according to questioning by Dick, that Duffie Stone, who is the district attorney for the 14th Circuit, took photos at the scene but didn't turn them over to the defense as part of the discovery. And



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naturally, Dick Harpootlian seized on the fact that it is highly unusual for a solicitor — remember district attorney and his investigators — to be on the scene of a murder at that point of any investigation. So, like we predicted, their presence on the scene and the way they collected evidence have now been used to plant seeds of doubt in the minds of the jury about the way the crime scene was handled.

[00:51:58] Also, let's talk about how many of Alex's co-workers and friends were at the crime scene. We already talked about how investigators seemed to be escorted around the property by a family member and law partner, which likely made it difficult for SLED agents to conduct their searches. On Tuesday, Alex's former law partner, Ronnie Crosby, further testified about being at the crime scene before the crime scene tape went up. He testified about seeing the cartridges near Maggie's body and thinking at the time that they were .223s. Why was Ronnie Crosby or anyone who wasn't law enforcement allowed that close to the bodies? Then, there was the part where Ronnie found out from a Colleton County sheriff's deputy the next day that those cartridges were actually from a .300 Blackout. Why was the sheriff's deputy sharing information about an active investigation with a friend of Alex's? Dick and Jim like to say that Alex was targeted by law enforcement as a suspect from the very beginning. But according to Ronnie's testimony, it would seem like he wasn't being treated like a suspect at all. Also, Ronnie went to Jimmy Butler Autos to review potential evidence video of Paul dropping off his truck for maintenance and getting into the truck of C. B. Rowe, who was the groundskeeper that Alex had mentioned to law enforcement that first night. Ronnie was looking to see if Paul's guns were in the truck left at the mechanics or if Paul had transferred those guns into Rowe's truck. Does SLED have that same video? Ronnie and whoever he was there with also searched Paul's truck. Did they tell SLED that this is where Paul's truck was? Did they search this vehicle before investigators could search it? How is this okay? Why is this allowed? Ronnie was the state's witness but he sure did help the defense with that one. Other glimpses of the elephant in the room were evident in how PMPED was treated on the stand by both the prosecution and the defense. Jeanne Seckinger, the CFO of PMPED, said the shooting had everyone at the firm scared.



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[00:54:04] **Jeanne Seckinger:** You know, nobody knew what to think. A lot of thoughts went through but fear went through. Was this retaliation? Was he involved in something bigger that was gonna get more of us in trouble? And just fear.

[00:54:20] **Mandy Matney:** "Something bigger that could get everyone else in trouble?" Like what? We don't know because no one asked her. She also said they knew Alex was taking pills, which would've been a great time for Jim to inform the jury of Alex's alleged drug habit, the one they went on national TV to talk about, but he didn't do that. The power of Alex Murdaugh and those in his world, those working on the sidelines for him, is still so apparent when we look at coverage of this case, which tends to minimize the State's case and/or bolster the defense's. Why? Likely because of who they are talking to and it has been a full court press since the in-camera hearings begin to allow evidence about the financial motive. We have to call it out.

[00:55:14] On the same day that Mark Tinsley testified about the pressure Alex was facing at the time, testimony that was chock-full of information that had not been made public before, the state newspaper ran this headline: "State's theory on why Murdaugh allegedly killed doesn't make sense, SC defense attorney says." Who was that SC defense attorney? It was Jack Swerling, who was a friend of Dick Harpootlian's. And according to an unverified tip Luna Shark received this past weekend, he and Dick might have grabbed a bite to eat together on Sunday, the day before the state ran that headline. And then, there's former Attorney General Charlie Condon, who is serving as a legal analyst for ABC5 and Sinclair Broadcasting. On Saturday, Condon revealed that the defense's focus groups — the mock juries that they paid and hired to test out their arguments — tested much more in favor of the defense that they could not accept the State's theory as to why Alex might have killed his family when he seemed to love them so much. And then there's *The Associated Press*, which ran a story Monday and tweeted it out with this teaser: "Two weeks into the double murder trial of South Carolina attorney Alex Murdaugh, prosecutors haven't presented any direct evidence that he has killed his wife and son at their home in June 2021." No direct evidence in a circumstantial murder case? You don't say. Circumstantial evidence is not less



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than direct evidence in the eyes of the law. Of course, circumstantial evidence needs to make sense. The jury needs to have no reasonable doubts about its totality and where it points and where it doesn't point.

[00:57:04] We also totally understand that we are a pendulum that swings further in favor of the prosecution's case and we are transparent about that. And right now, that's because we see what they are trying to say. We see what they're trying to put together here. We know the dots that they have and the damning story those dots can tell if put together correctly. But at the same time, we are also highly suspicious of the State. We cannot fully trust anyone here. Alex deserves a fair trial and we want him to get one. This right here is the court of public opinion. This is our court and this is your court. This is where we get to express our opinions and bring light to those who want to operate in the dark. We will continue to raise questions no matter what side those questions fall on.

[00:57:59] In Jeanne Seckinger's testimony last week, the testimony not in front of the jury, she said this about why Alex's behavior at the firm wasn't put in check sooner.

[00:58:09] **Creighton Waters:** Has there ever been instances in which Alex used the firm credit card for personal expenses and was required to pay that back?

[00:58:16] **Jeanne Seckinger:** Yes.

[00:58:16] **Creighton Waters:** And if the money got paid back, well, it didn't matter. Everybody moved on. Is that right?

[00:58:19] **Jeanne Seckinger:** That's right.

[00:58:20] **Creighton Waters:** So, there was a history of that.

[00:58:21] **Jeanne Seckinger:** That's right.



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[00:58:22] **Creighton Waters:** You get the money back in and everybody moves on. Is that correct?

[00:58:25] **Jeanne Seckinger:** That's right. It was a history of trust and brotherhood.

[00:58:29] **Mandy Matney:** "A history of trust and brotherhood." It was one of the most eye-rolling moments of this trial yet because every problem we're seeing here, whether it's at PMPED, in the courtroom, or in the press, cannot be fully fixed because of those three things: history, trust, and brotherhood. But sunshine can only help in the pursuit of justice. That is for sure. And we will continue shining the light every step of the way until the last word is set in court. Follow along with us as we chat about the case daily and stream the trial live through mmp.supercast.com. So far, the prosecution has presented a ton of evidence from ballistics to GSR to cell phone data. And we are hoping that they start connecting the dots soon. Stay tuned and stay in the sunlight.

[00:59:38] **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.