

Court Reporter:

LISA D. SMITH, RPR, CRR
Official Court Reporter
P.O. Box 835
Charleston, SC 29401

Proceedings recorded by mechanical stenography,
transcript produced by computer.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COURTESY OF
LUNA SHARK MEDIA

1 *(The following proceedings commenced at 10:00 a.m.)*

2 THE COURT: Good morning. Please be seated.

3 Good morning, Ms. Limehouse. The government ready to
4 call its next case?

5 MS. LIMEHOUSE: We are, your Honor. May it please
6 the Court. Emily Limehouse, Katie Stoughton and Winston
7 Holliday, on behalf of the United States.

8 We are here in the matter of the United States vs.
9 Richard Alexander Murdaugh; Criminal Docket No. 9: 23-396.
10 Mr. Murdaugh is here today, represented by his counsel, Mr.
11 Jim Griffin, Mr. Dick Harpootlian, and Mr. Phil Barber. And
12 we're here for a change of plea hearing.

13 THE COURT: Very good. Who will be speaking for the
14 defendant?

15 MR. GRIFFIN: I will, your Honor.

16 THE COURT: Mr. Griffin, good morning, sir.

17 MR. GRIFFIN: Good morning.

18 THE COURT: I want to confirm that your client wishes
19 to change his plea from a plea of not guilty to a plea of
20 guilty today, pursuant to a plea agreement. Is that correct?

21 MR. GRIFFIN: That is correct.

22 THE COURT: Ms. Perry, swear the defendant, please.

23 *(Defendant sworn.)*

24 THE COURT: Mr. Murdaugh, good morning, sir.

25 THE DEFENDANT: Good morning, sir.

1 THE COURT: I want to confirm you wish to change your
2 plea today from a plea of not guilty to a plea of guilty,
3 pursuant to a plea agreement. Is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Very good. Mr. Griffin, would you
6 approach Ms. Perry. She's going to hand you the plea
7 agreement. I want Mr. Murdaugh to confirm that is his
8 signature on the plea agreement.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Murdaugh, before I can accept your
11 guilty plea, I need to be satisfied that you understand the
12 charges against you, that you understand the consequences of
13 your plea, and that there's a factual basis to support your
14 plea of guilty. I'm going to ask you a series of questions.
15 If I ask you a question you do not understand, would you ask
16 me to repeat it?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And if I ask you a question in which you
19 would like to consult with your counsel, if you'll let me know
20 that, I will give you an opportunity to privately confer with
21 them, okay?

22 THE DEFENDANT: Thank you, sir.

23 THE COURT: You just took an oath to tell the truth;
24 correct, sir?

25 THE DEFENDANT: Yes.

1 THE COURT: And that obligates you to answer my
2 questions honestly, does it not, sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you understand if you were to fail to
5 answer a question honestly, you could face further prosecution
6 for perjury or making a false statement? Do you understand
7 that, sir?

8 THE DEFENDANT: Absolutely.

9 THE COURT: Mr. Murdaugh, how old are you, sir?

10 THE DEFENDANT: I'm 55.

11 THE COURT: How far did you go in school?

12 THE DEFENDANT: I have post-graduate degree, a JD.

13 THE COURT: Are you currently under the influence of
14 any drug, medication or alcoholic beverage?

15 THE DEFENDANT: No, sir. I'm proudly clean now for
16 744 days.

17 THE COURT: Glad to hear that, sir.

18 Have you ever been treated for mental illness?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you been treated for addiction to
21 alcohol or narcotic drugs?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Tell me about that.

24 THE DEFENDANT: Opiate addiction.

25 THE COURT: And, sir, since you've had that

1 experience and you had that treatment -- you've reported now
2 that you've been sober for over 700 days -- does that prior
3 history affect your ability to understand the proceeding here
4 today?

5 THE DEFENDANT: Not at all, sir.

6 THE COURT: And would you assure me -- if for any
7 reason you didn't understand what we were doing, you would let
8 me know that?

9 THE DEFENDANT: I would, sir.

10 THE COURT: Thank you very much.

11 Mr. Griffin, do you have any doubt as to the
12 defendant's competence to plead?

13 MR. GRIFFIN: I do not have any doubts, your Honor.

14 THE COURT: Ms. Limehouse?

15 MS. LIMEHOUSE: No doubts from the government,
16 your Honor.

17 THE COURT: The Court finds that the defendant is
18 competent to plead to these charges.

19 Mr. Murdaugh, have you had an ample opportunity to
20 discuss this case with your attorneys?

21 THE DEFENDANT: Yes, sir, I have.

22 THE COURT: Are you satisfied with your attorneys'
23 representation?

24 THE DEFENDANT: Very much so.

25 THE COURT: Have your attorneys done everything

1 you've asked them to do?

2 THE DEFENDANT: Without question.

3 THE COURT: Is there anything else you would like
4 them to do before we proceed with your guilty plea this
5 morning?

6 THE DEFENDANT: No, sir.

7 THE COURT: My normal protocol here -- and I'll just
8 maintain it -- is to ask you questions as if you are not a
9 former member of the bar. Obviously, you'd be knowledgeable
10 about these, but I want to get it on the record. Let's focus
11 for a moment, if we might, on your legal rights.

12 Do you understand, under the Constitution and laws of
13 the United States, you have the right to plead not guilty?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And you understand if you were to plead
16 not guilty, you have a right to a trial by jury?

17 THE DEFENDANT: I do.

18 THE COURT: If you were to plead not guilty and
19 request a jury trial, you would be afforded a number of
20 significant rights in this courtroom. Among those would be:
21 You would have a right to assistance of counsel at every stage
22 of the criminal proceeding. You would be presumed innocent.
23 The government would have to prove you guilty beyond a
24 reasonable doubt. You would not be required to prove your
25 innocence. The witnesses for the government would have to

1 testify in your presence, and your counsel would have a right
2 to cross-examine those witnesses and offer other witnesses on
3 your behalf. While you would have a right to testify, you
4 would also have the constitutional right to silence. And if
5 you exercised that right, I would instruct the jury that no
6 inference or suggestion of guilt could be drawn from the fact
7 that you had not testified. You would also have the right to
8 issue subpoenas for the attendance of witnesses or the
9 production of documents.

10 Now, Mr. Murdaugh, do you understand these rights as
11 I have explained them to you, sir?

12 THE DEFENDANT: I do. Yes, sir.

13 THE COURT: Do you understand that if you plead
14 guilty, you have to give up your right to a jury trial and the
15 other rights I have just listed for you, there will be no
16 trial, and I will enter a judgment of guilty and sentence you
17 on the basis of your guilty plea? Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that if you plead
20 guilty, you also have to give up your right not to incriminate
21 yourself, since I need to ask you questions to satisfy myself
22 that there is a sufficient factual basis for your guilty plea,
23 and you will have to acknowledge to me your guilt; do you
24 understand that, sir?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand if you plead guilty,
2 you may be required to make restitution to the victims of your
3 acts, either by the payment of money or in personal services,
4 as may be directed by this Court?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that if you plead
7 guilty, I can order you to forfeit certain property to the
8 government?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you understand that if you plead
11 guilty, I am obligated to impose a special assessment upon you
12 at \$100 per count. And I believe there are 22 counts. So, it
13 would be \$2200. Do you understand that, sir?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that since the offense
16 you're pleading is a felony conviction, that if your plea is
17 accepted, you may be deprived of valuable civil rights, such
18 as the right to vote, hold public office, serve on a jury or
19 possess a firearm of any type? Do you understand that, sir?

20 THE DEFENDANT: I do. Yes, sir.

21 THE COURT: Now that I've discussed your rights with
22 you, Mr. Murdaugh, do you still wish to plead guilty?

23 THE DEFENDANT: I do. Yes, sir.

24 THE COURT: Have you received a copy of the
25 indictment, which contains the written charges against you,

1 sir?

2 THE DEFENDANT: I know the written charges against
3 me, your Honor. Whether or not I've received the indictment
4 or not, I'm aware of them and understand them. And I believe
5 I have received a copy of the indictment.

6 THE COURT: Okay. If you would like to take a moment
7 just to look at it to make sure that the written indictment is
8 in conformance with your understanding -- could you just take
9 a minute, sir, and look through it?

10 MR. GRIFFIN: Your Honor, he has received a copy in
11 the prison. I've gone over it with him. But he's had a
12 difficult time maintaining documents at the prison.

13 THE COURT: So, you're satisfied, Mr. Murdaugh, you
14 have actually received the indictment?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Okay. Let me walk through with you the
17 basic charges against you, sir, and what elements the
18 government would have to prove beyond a reasonable doubt to
19 establish your guilt.

20 Count one is a conspiracy to commit wire and bank
21 fraud. And to satisfy the elements of the conspiracy to
22 commit wire and bank fraud, the government would have to show,
23 first, that from at least July 2011 and continuing at least
24 until October 2021, in the district of South Carolina, you
25 entered into a conspiracy, agreement or understanding to

1 commit an unlawful act, that is, wire fraud and bank fraud;
2 the second, that at some time during the existence or the life
3 of that conspiracy, agreement or understanding, you knew the
4 unlawful purpose of the agreement; and third, the defendant
5 joined in the agreement willfully with the intent to further
6 the agreement for the unlawful purposes here to commit wire
7 and bank fraud. That is Count 1. And for Count 1, the
8 maximum term of imprisonment is 30 years; the fine is up to
9 \$1 million; supervised release, up to five years; and as I
10 mentioned earlier, a special assessment of \$100.

11 Count 2 is bank fraud. Bank fraud, the government
12 must establish as follows: First, that on or about
13 September 13, 2013, and October 28th and 29, 2013, in the
14 district of South Carolina, you knowingly executed or
15 attempted to execute a scheme or artifice to obtain any of the
16 moneys, funds, assets or other property owned by or under the
17 custody of a financial institution by false or fraudulent
18 pretenses, representations or promises; secondly, you must
19 show that you did those acts with the intent to defraud; and
20 finally, that the financial institution was then federally
21 insured. Count 2 has a maximum term of imprisonment up to 30
22 years, a fine of \$1 million, supervised release for five
23 years, and special assessment of \$100.

24 Counts 3 through 7 contain charges of wire fraud. To
25 establish a violation of these counts, 3 through 7, the

1 federal statutes of wire fraud, the government must
2 demonstrate beyond a reasonable doubt that the defendant
3 devised or intended to devise a scheme to defraud over
4 obtaining money or property by means of false or fraudulent
5 pretenses, representations or promises that were material; and
6 secondly, that the purpose of executing the scheme, the
7 defendant transmitted, or caused to be transmitted by means of
8 wire, radio, or television communication in interstate or
9 foreign commerce, any writings, signs, signals, pictures or
10 sounds on the date specified in the information. Actually, it
11 would be in the indictment -- is it --

12 MS. LIMEHOUSE: That's correct, Your Honor.

13 THE COURT: Should be in the indictment, not an
14 information.

15 MS. LIMEHOUSE: Yes, your Honor.

16 THE COURT: The penalty for these offenses, for
17 Counts 3 and 4, wire fraud affecting a financial institution,
18 a maximum term of imprisonment is up to 30 years, a fine of up
19 to \$1 million, supervised release for five years, and special
20 assessment of \$100.

21 For Counts 5 through 7, a maximum term of
22 imprisonment is 20 years, a fine up to \$250,000, supervised
23 release for three years, and a special assessment for \$100.

24 Count 8 is conspiracy to commit wire fraud. And the
25 government, to establish your guilt, must prove beyond a

1 reasonable doubt, first, that from and around February 2018
2 and continuing until at least October 2020, in the District of
3 South Carolina, that the defendant entered into a conspiracy
4 agreement or understanding to commit an unlawful act, that is,
5 wire fraud; secondly, that at some time during the existence
6 or life of the conspiracy, agreement or understanding, the
7 defendant knew the unlawful purpose of the agreement; and
8 finally, third, that the defendant joined in the agreement
9 willfully with the intent to further the agreement for the
10 unlawful purpose here to commit wire fraud. The maximum term
11 of imprisonment for this offense, Count 8, is 20 years, a fine
12 up to \$250,000, supervised release for three years, and a
13 special assessment of \$100.

14 Counts 9 through 22, each contain a count of money
15 laundering. For the government to establish your guilt on
16 each of these counts, the following elements would have to be
17 satisfied: First, that on or about the date specified in the
18 indictment, in the District of South Carolina, the defendant
19 conducted or attempted to conduct a financial transaction,
20 having at least a minimal effect on interstate commerce or
21 involving the use of a financial institution, which is engaged
22 in or the activities of which have been at least minimal
23 effect on interstate or foreign commerce; secondly, that the
24 property that was the subject of the transaction involved the
25 proceeds of specified unlawful activity; third, that the

1 defendant knew that the property involved represented the
2 proceeds of some form of unlawful activity; and fourth, that
3 the defendant knew that the transaction was designed in whole
4 or in part to conceal or disguise the nature, location,
5 source, ownership or control of the proceeds of unlawful
6 activity.

7 For Counts 9 through 22, for each count, a maximum
8 term of imprisonment is 20 years; a fine up to \$500,000, or
9 twice the value of the property involved in the transaction,
10 whichever is greater; supervised release for up to three
11 years; and a special assessment of \$100.

12 Now, Mr. Murdaugh, do you feel like you understand
13 the charges against you, sir, and the basic elements the
14 government would have to establish to prove your guilt?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I do find the defendant comprehends and
17 understands the nature of the charges against him and
18 generally what elements the government would have to prove if
19 a trial were held.

20 Now, Mr. Murdaugh, if you plead guilty, or if you
21 were to go to trial and be tried by a jury, it becomes my
22 responsibility to impose an appropriate sentence. In
23 determining that appropriate sentence, I must consider various
24 federal statutes in the sentencing guidelines of the United
25 States Sentencing Commission.

1 Have you and your attorneys had a chance to discuss
2 those federal statutes and sentencing guidelines and how they
3 may affect your sentence?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand that I will not be
6 sentencing you here today, we will have a later sentencing
7 hearing following the preparation of a presentence report? Do
8 you understand that, sir?

9 THE DEFENDANT: I do.

10 THE COURT: Do you understand the sentence imposed by
11 this Court may be different from any estimate your attorneys
12 may have provided you? Do you understand that, sir?

13 THE DEFENDANT: I do.

14 THE COURT: And do you understand if the sentence is
15 more severe than you expected, you will not have a right to
16 withdraw your guilty plea; do you understand that, sir?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand under some
19 circumstances, you or the government may have a right to file
20 an appeal on a sentence I impose? Do you understand that,
21 sir?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, you, as part of your plea agreement,
24 have agreed to waive partially your appeal rights. I think
25 that's why you were hesitating. And when we go through your

1 plea agreement in just a moment, I will highlight that
2 particular provision, because I want to make it clear you're
3 totally waiving your appeal rights, you're only partially
4 waiving those rights.

5 Now, following any period of incarceration in federal
6 court, we have what is called supervised release. And under
7 supervised release, a defendant is required to maintain
8 certain standards of behavior. And if he fails to maintain
9 those standards of behavior, he can be sent back to prison.
10 Do you understand that, sir?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, Mr. Murdaugh, are you pleading
13 guilty of your own free will because you are guilty?

14 THE DEFENDANT: I'm pleading guilty of my own free
15 will because I am guilty and for several other reasons.

16 THE COURT: Well, what are those other reasons?

17 THE DEFENDANT: I want to take responsibility. I
18 want my son to see me take responsibility. It's my hopes that
19 by taking responsibility, that the people I've hurt can begin
20 to heal.

21 THE COURT: Mr. Murdaugh, has anyone threatened you
22 or forced you in any way to plead guilty?

23 THE DEFENDANT: No, sir.

24 THE COURT: Has anyone promised you a specific jail
25 sentence?

1 THE DEFENDANT: No, sir.

2 THE COURT: I'm now going to ask the assistant United
3 States attorney to summarize the provisions of the plea
4 agreement. I want you to listen carefully, because I'm going
5 to come back to you and I'm going to ask you is that
6 consistent with your understanding of your plea agreement.
7 So, listen carefully.

8 Ms. Limehouse?

9 MS. LIMEHOUSE: Thank you, your Honor.

10 Paragraph one of the plea agreement sets forth the
11 counts to which Mr. Murdaugh has agreed to plead guilty, that
12 is, all counts of the pending indictment, Counts 1 through 22.
13 Paragraph one further sets forth the elements that the
14 government would have to prove to establish his guilt on each
15 of those counts and the corresponding penalties that are
16 implicated by his guilty plea, as your Honor has previously
17 reviewed with him on the record.

18 Paragraph two of the plea agreement sets forth that
19 the defendant understands and agrees that monetary penalties
20 that will be imposed by this Court are due and payable
21 immediately and subject to the enforcement of the United
22 States as civil judgments. And in the event the Court imposes
23 a schedule for payment of restitution, he understands that
24 payments made in accordance with installment schedules set by
25 the Court are minimum payments only and do not preclude the

1 government from seeking to enforce the judgments against other
2 assets of the defendant at any time. The paragraph further
3 sets forth that the defendant agrees to enter into the Bureau
4 of Prisons Inmate Financial Repayment Program, if sentenced to
5 a term of incarceration, with an unsatisfied monetary penalty.
6 He further understands that any monetary penalty imposed is
7 not dischargeable in bankruptcy. And it further outlines the
8 special assessment that is implicated by each count, a hundred
9 dollars for each count of the indictment, and that he is
10 subject also to restitution and fines.

11 Under paragraph three, the defendant agrees that he
12 understands that the obligations of the government within this
13 plea agreement are expressly contingent upon him abiding by
14 federal and state laws. In the event that he fails to comply
15 with any of the provisions of this agreement, either expressed
16 or implied, the government will have the right, at its sole
17 election, to void all of its obligations under this agreement,
18 and the defendant will not have a right to withdraw his guilty
19 plea.

20 Paragraph four is a cooperation provision under which
21 the defendant agrees to be fully truthful and forthright with
22 federal, state and local law enforcement agencies by providing
23 full, complete and truthful information about all criminal
24 activities about which he has knowledge. The defendant must
25 provide full, complete and truthful debriefings about these

1 unlawful activities and must fully disclose and provide
2 truthful information to the government, including any books,
3 papers or other documents or any other items of evidentiary
4 value to the investigation. The defendant also agrees that he
5 must testify fully and truthfully before any grand juries at
6 any trials or other proceedings if the government calls upon
7 him to do so, subject to prosecution for perjury for not
8 testifying truthfully. If the defendant fails to be fully
9 truthful and forthright at any stage, at the government's sole
10 election, the obligations of the government within this
11 agreement will become null and void. Further, it is expressly
12 agreed that if the obligations of the government within this
13 agreement become null and void due to the defendant's lack of
14 truthfulness, the defendant understands that he will not be
15 permitted to withdraw his guilty plea, all additional charges
16 known to the government may be filed against him, the
17 government will argue for a maximum sentence for the offense
18 to which he is pleading guilty, and the government will use
19 any and all information and testimony provided by the
20 defendant, pursuant to this agreement or any prior proffer
21 agreements in the prosecution of the defendant for these
22 charges.

23 Paragraph five is a polygraph provision under which
24 the defendant agrees to submit to a polygraph examination, as
25 may be requested by the government, and agrees that any such

1 examinations shall be performed by polygraph examiners
2 selected by the government. The defendant agrees that his
3 refusal to take or failure to pass any such polygraph
4 examination to the government's satisfaction will result at
5 the government's sole discretion, and the obligations of the
6 government within this agreement becoming null and void.

7 Paragraph six outlines that the government agrees
8 that any self-incriminating information provided by the
9 defendant as a result of his cooperation required by the terms
10 of this agreement, although available to the Court, will not
11 be used against him in determining the applicable guideline
12 range for sentencing, pursuant to the United States Sentencing
13 Guidelines. The provisions of this paragraph shall not be
14 applied to restrict any such information that was known to the
15 government prior to the date of this agreement concerning the
16 existence of prior convictions and sentences in a prosecution
17 for perjury or giving a false statement in the event that he
18 breaches any of the terms of this plea agreement, or use to
19 rebut any evidence or arguments offered by or on his behalf at
20 any stage of the criminal prosecution.

21 Paragraph seven outlines that, provided the defendant
22 cooperates and otherwise complies with all of the conditions
23 of this plea agreement, the attorneys for the government agree
24 to recommend to Court that the sentence imposed on these
25 charges be served concurrent to any state sentence imposed for

1 the same conduct. The defendant understands that this
2 recommendation would be in lieu of a motion for a downward
3 departure, pursuant to Section 5K1.1 of the United States
4 Sentencing Guidelines.

5 Paragraph eight is a lengthy paragraph that outlines
6 the government's rights with respect to the defendant's
7 assets, specifically regarding forfeiture. The defendant
8 agrees to voluntarily surrender to, and not contest the
9 forfeiture of, any and all assets and property or portions
10 thereof which are subject to forfeiture, pursuant to any
11 provision of law, including property and the possession or
12 control of the defendant or the defendant's nominees.
13 Specifically, he agrees to voluntarily surrender and not
14 contest the forfeiture of property identified in the document
15 and any forfeiture bill of particulars. There's a paragraph
16 outlining cash proceeds that are subject to a forfeiture money
17 judgment, a sum of money equal to all proceeds the defendant
18 obtained directly or indirectly from the offenses charged in
19 the indictment. And that would be a minimum of approximately
20 \$9 million in United States currency and all interests and
21 proceeds traceable thereto. Paragraph eight further outlines
22 the government's rights with respect to the forfeiture
23 agreement and forfeiture provisions outlined in the
24 indictment.

25 Paragraph nine summarizes the defendant's

1 relationship with his defense attorney. And he represents to
2 the Court in this paragraph that he has met with his attorney
3 on a sufficient number of occasions and for a sufficient
4 period of time, to discuss his case and receive advice, that
5 he's been truthful with his attorney related to all
6 information about which he is aware pertaining to the case,
7 that they have discussed possible defenses, if any, to the
8 charges in the indictment, including the existence of any
9 exculpatory or favorable evidence or witnesses, discussed his
10 rights to a public trial by jury or by the Court, the right to
11 assistance of counsel, the right to call witnesses on his
12 behalf and compel their attendance at a trial by subpoena, the
13 right to confront and cross-examine the government's witness,
14 the right to testify on his own behalf or remain silent and
15 have no adverse inferences drawn therefrom, and that he, with
16 the advice of counsel, has waived the relative benefits of a
17 trial by jury or by the Court, versus a plea of guilty,
18 pursuant to this agreement, and has entered this agreement as
19 a matter of his free and voluntary choice and not as a result
20 of pressure or intimidation by any person.

21 Paragraph 10 is a limited waiver provision under
22 which the defendant acknowledges the rights he has to contest
23 his conviction and/or sentence, including rights under 28
24 U.S.C. 2255 and 18 U.S.C. 3742. He acknowledges those rights.
25 And in exchange for the concessions made by the government, he

1 waives the right to contest either his conviction or his
2 sentence in any direct appeal or other post-conviction action,
3 including under 28 U.S.C. 2255. This waiver is limited,
4 however, and does not apply to claims of ineffective
5 assistance of counsel, prosecutorial misconduct, or future
6 changes in the law that might affect his sentence.

7 THE COURT: Mr. Murdaugh, let me highlight
8 paragraph two. We mentioned that earlier. Every defendant,
9 including one who pleads guilty, has a right to file an appeal
10 or seek post-conviction relief regarding the conviction and/or
11 the sentence. You're partially waiving that right. You're
12 retaining the right to file an appeal relating to
13 prosecutorial misconduct, ineffective assistance of counsel or
14 future changes in the law that affect the lawfulness of your
15 sentence. Otherwise, you are waiving your appeal rights. Do
16 you understand that, sir?

17 THE DEFENDANT: I do. Yes, sir.

18 THE COURT: Ms. Limehouse, please continue.

19 MS. LIMEHOUSE: Thank you, your Honor.

20 Under paragraph 11, the defendant waives all rights,
21 whether asserted directly or by a representative, to request
22 or receive from any department or agency of the United States
23 any records pertaining to the investigation or prosecution of
24 his case, and that includes rights under the Freedom of
25 Information Act.

1 Under paragraph 12, the merger provision, the parties
2 hereby agree that this plea agreement contains the entire
3 agreement of the parties, that it supersedes all prior
4 promises, representations and statements, that it shall not be
5 binding on the defendant until he tenders his guilty plea here
6 today, and that this agreement may be modified only in
7 writing, signed by all parties, and that any and all other
8 promises, representations and statements that are made prior
9 to, contemporaneous with, or after this agreement are null and
10 void.

11 THE COURT: Mr. Murdaugh, you've heard the summary
12 provided by the assistant United States attorney of your plea
13 agreement. Is that consistent with your understanding of your
14 plea agreement?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I'm now going to ask the assistant United
17 States attorney to summarize the evidence the government would
18 offer if a trial were held in this case.

19 Now, Mr. Murdaugh, I want you to listen carefully,
20 because I'm going to come back to you and ask you do you
21 dispute any of those facts, and if you do, which specific
22 facts you dispute. So, listen carefully.

23 Ms. Limehouse.

24 MS. LIMEHOUSE: Thank you, your Honor.

25 As to Count 1, the defendant was a personal injury

1 attorney at a law firm in Hampton County, South Carolina. As
2 a personal injury attorney, he represented individuals in
3 civil claims following injury, death and other loss. The
4 defendant banked at the Palmetto State Bank in Hampton. And
5 Russell Laffitte served as his prior point of contact and
6 handled nearly all of the defendant's banking needs. The
7 defendant and his law firm were significant customers of
8 Palmetto State Bank. At all times relevant to the indictment,
9 Palmetto State Bank was a federally insured financial
10 institution. Beginning in 2011, the defendant devised a
11 scheme to obtain money belonging to Murdaugh's personal injury
12 clients by means of materially false and fraudulent pretenses,
13 representations and promises, and by making false and
14 misleading statements. The money was owed by and in the care,
15 custody and control of the Palmetto State Bank.

16 As part of the scheme, the defendant asked Russell
17 Laffitte to serve as personal representative or conservator
18 for the personal injury clients. In exchange, Russell
19 Laffitte received hundreds of thousands of dollars in fees.
20 As part of the scheme, defendant directed law firm employees
21 to make checks payable to Palmetto State Bank. The checks
22 were drawn on the law firm's trust account, identified the
23 personal injury clients on the memo lines of the checks, and
24 corresponded to amounts set forth on disbursement sheets. The
25 defendant then delivered the checks to Russell Laffitte, who

1 distributed the checks to the defendant's own personal
2 benefit, including to pay off personal loans and for personal
3 expenses and cash withdrawals, knowing that the funds belonged
4 to the personal injury clients.

5 In furtherance of the conspiracy, the defendant
6 committed the following overt acts: On or about
7 December 21st, 2011, the defendant directed Russell Laffitte
8 to negotiate and distribute checks \$309,581.46 and \$325,000,
9 knowing that the funds belonged to Hakeem Pinckney and Natasha
10 Thomas.

11 On or about August 29th, 2012, and continuing through
12 September 4th, 2012, the defendant directed Russell Laffitte
13 to negotiate and distribute a check for \$25,245.08, knowing
14 that the funds belonged to Natasha Thomas.

15 And on or about February 8th, 2013, and March 5th,
16 2013, the defendant directed Russell Laffitte to negotiate and
17 distribute a \$388,687.50 check to repay a private loan to a
18 third party, knowing that the money belonged to the Estate of
19 Donna Badger and/or the Estate's beneficiaries.

20 As to Count 2, which is a substantive bank fraud
21 count relating to conspiracy as set forth in Count 1, in
22 furtherance of the scheme to obtain money under the custody
23 and control of Palmetto State Bank, as charged in Count 1, on
24 September 13th, 2013, the defendant directed law firm
25 employees to draft a check totalling \$50,684.75. Thereafter,

1 the defendant directed Russell Laffitte to distribute \$49,500
2 to Southern Crane on October 28th, 2013, and the remainder in
3 cash back on October 29th, 2013, knowing that the funds
4 belonged to the Estate of Donna Badger and/or Arthur Badger.
5 At the time, the Palmetto State Bank was federally insured.

6 Count 3: In furtherance of the scheme to
7 fraudulently obtain money from his clients, on May 12th, 2014,
8 the defendant directed law firm employees to draft a check
9 totalling \$50,684.75 to a Bank of America account owned and
10 operated by the defendant. The defendant knew that the money
11 belonged to the Estate Donna Badger and/or Arthur Badger, and
12 he deposited the check into his account on May 13th, 2013.

13 In Count 4, in furtherance of a scheme to
14 fraudulently obtain money from his clients, on May, the 12th,
15 2014, he directed law firm employees to draft a check
16 totalling \$101,369.49 to a Bank of America account, owned and
17 operated by the defendant. The defendant knew that the money
18 belonged to the Estate of Donna Badger and/or Arthur Badger,
19 and he deposited the check into his account on June 25th,
20 2014. The transmission of the two checks charged in Counts 3
21 and 4 affected a financial institution.

22 As to Counts 5 and 7, which are a separate wire fraud
23 scheme, beginning in September 2005, and continuing until at
24 least September 2021, in the District of South Carolina, the
25 defendant knowingly executed a scheme to obtain money from his

1 clients and his law firm by false and fraudulent pretenses,
2 representations and promises that were material. As part of
3 the scheme, the defendant routed and redirected clients'
4 settlement funds to enrich himself personally by various ways,
5 including drafting, or directing law firm employees to draft,
6 disbursement sheets to send settlement funds to the Bank of
7 America, accounts owned and controlled by the defendant,
8 without proper disclosure or client or law firm approval; by
9 claiming funds held in the law firm's trust account for
10 purposes of satisfying liens on clients' settlement funds as
11 attorneys' fees and directing the disbursement of said funds
12 for his own benefit; by claiming and collecting attorney's
13 fees on fake or nonexistent annuities; by creating fraudulent
14 expenses that were never incurred on client matters, and
15 directing the disbursement of settlement funds to pay the
16 cited costs, including claimed medical expenses, construction
17 expenses, and airline expenses; by directing other attorneys
18 with whom he was associated on client matters to disburse
19 attorney's fees directly to him, rather than appropriately
20 routing any such fees through the law firm; and lastly, by
21 intercepting insurance proceeds intended for beneficiaries and
22 depositing them directly into his personal account.

23 In 2015, the defendant opened a bank account at the
24 Bank of America titled "Forge." The defendant was the owner
25 of the account on the signature card and was the only

1 authorized signer on the account. He opened the bank account
2 as part of a scheme to steal money from his clients at his law
3 firm by transferring settlement funds directly into the Forge
4 account, making it appear that the funds were being
5 transferred into legitimate accounts run by Forge Consulting,
6 LLC. Murdaugh used the fake Forge account to knowingly steal
7 millions of dollars from his personal injury clients and
8 others by means of materially false and fraudulent pretenses,
9 representations and promises. After depositing the checks
10 into his fake Forge account, the defendant made cash
11 withdrawals, transferred the funds to another Bank of America
12 account, paid his credit card, and purchased cashier's checks.

13 As to Count 5, in furtherance of the scheme, on
14 December 26th, 2018, the defendant knowingly directed law firm
15 employees to draft a check to Forge, the bank account owned
16 and operated by the defendant, totalling \$225,073.46. The
17 defendant deposited the check into his Forge account and the
18 defendant knew that the funds belonged to A.H., a personal
19 injury client.

20 As to Count 6, in furtherance of the scheme, on
21 April, the 9th, 2019, the defendant knowingly directed law
22 firm employees to draft a check to Forge, totalling \$112,500.
23 The defendant thereafter deposited the check into his Forge
24 account, knowing that the funds belonged to the Estate of
25 B.G., a personal injury client.

1 And as to Count 7, in furtherance of the scheme on
2 December 15th, 2020, the defendant knowingly directed law firm
3 employees to draft a check to Forge, totalling \$91,857.50.
4 The defendant thereafter deposited the check into his Forge
5 accounted, knowing that the funds belong to the Estate of
6 J.H., a personal injury client.

7 As to Count 8, the conspiracy with Corey Fleming, in
8 February 2018, the defendant's housekeeper, Gloria
9 Satterfield, died following what the defendant reported as a
10 slip and fall caused by his dogs. Gloria Satterfield was
11 survived by two sons. The defendant recommended that Gloria
12 Satterfield's sons hire Corey Fleming and sue the defendant to
13 collect from his homeowners' policies. The defendant intended
14 to defraud Satterfield's sons and his insurance carriers by
15 devising a scheme to obtain money by means of materially false
16 and fraudulent pretenses, representations and promises. As
17 part of the scheme, the defendant conspired with Corey Fleming
18 to obtain money belonging to Gloria Satterfield's sons. In
19 furtherance of the scheme, the defendant directed Fleming to
20 retain hundreds of thousands of dollars in settlement funds
21 for their own personal benefit, represented as prosecution
22 expenses to the state circuit court. The defendant and
23 Fleming knew that the funds did not belong to them and that
24 there were no legitimate "prosecution expenses." The
25 defendant and Fleming reduced Fleming's attorney's fees from

1 the fees represented to the circuit court. The defendant knew
2 that he would steal the additional funds and use them for his
3 own personal enrichment. As part of the defendant's scheme,
4 the defendant directed Fleming to draft three separate checks
5 from the settlement funds to his fake Forge account, totalling
6 \$3,483,431.95. The defendant thereafter deposited the funds
7 into his fake Forge account, knowing that the funds were
8 intended for the benefit of the Estate of Gloria Satterfield
9 and thereafter, used the funds for personal enrichment. The
10 Estate did not receive any of the settlement funds.

11 And lastly, your Honor, Counts 9 through 12, these
12 are all money-laundering accounts that relate to the Forge
13 account. As to the deposits into the fake Forge account, on
14 the dates set forth in the indictment, the defendant conducted
15 financial transactions at the Bank of America, a federally
16 insured financial institution, from proceeds of wire fraud.
17 The defendant knew that the funds deposited into the fake
18 Forge account represented proceeds of wire fraud, and the
19 defendant designed the transactions to conceal and disguise
20 the nature, source, ownership and control of the proceeds.

21 As to Count 9, it's a deposit of \$85,000 on August,
22 the 31st, of 2018.

23 As to Count 10, it's a deposit of \$65,000 on October,
24 the 3rd, 2018.

25 As to Count 11, it's a deposit of \$19,500 on

1 October 19th, 2018.

2 As to Count 12, a deposit of \$225,073.46 on
3 December 26th, 2018.

4 As to Count 13, the deposit of \$403,500 on January,
5 the 9th, of 2019.

6 As to Count 14, a deposit of \$279,850.65 on February,
7 the 27th, of 2019.

8 As to Count 15, a deposit of \$112,500 on April, the
9 11th, 2019.

10 As to Count 16, a deposit of \$2,961,931.95 on May,
11 the 15th, 2019.

12 As to Count 17, a deposit of \$750,000 on February,
13 the 27th, of 2020.

14 As to Count 18, a deposit of \$118,000 on October 6th,
15 2020.

16 As to Count 19, a deposit of \$152,866 on November,
17 the 30th, 2020.

18 As to Count 20, a \$91,867.50 deposit on December, the
19 16th, 2020.

20 As to Count 21, \$125,000 deposit on January, the
21 29th, 2021.

22 And as to Count 22, an \$83,333.33 deposit on May, the
23 12th, 2021.

24 There were dozens of victims of Alex Murdaugh's
25 schemes, many of which vulnerable by age and/or physical or

1 mental disability. As a lawyer to most of these victims, the
2 defendant held a position of trust. The total loss to these
3 victims was in excess of at least \$9 million.

4 THE COURT: Okay. Mr. Murdaugh, you've heard the
5 summary provided by the assistant United States attorney. Do
6 you dispute any of those facts?

7 MR. GRIFFIN: Your Honor, there were a few points of
8 clarification.

9 THE COURT: Well, he needs to speak, Mr. Griffin,
10 rather than you.

11 Mr. Murdaugh?

12 THE DEFENDANT: Yes, sir. Like, Mr. Griffin said,
13 there are just a couple of points. Not that I think Ms.
14 Limehouse is necessarily wrong, but there's just some issues
15 my attorney is prepared to clarify.

16 THE COURT: Well, here is the concern. As much as I
17 admire your attorneys, you're the one pleading guilty, not the
18 attorneys. And I need to make sure that we are not modifying
19 factual statements that then eliminate one of the elements of
20 any of these crimes. If you're telling me you're not able to
21 articulate these, I would be glad to hear from Mr. Griffin,
22 but I'm going to need to come back to you and confirm what he
23 says.

24 THE DEFENDANT: Your Honor, not to be difficult, but
25 in -- what -- if you are willing, I'd like for you to let Mr.

1 Griffin address those, and then I'd be happy to answer any
2 questions.

3 THE COURT: Very good. Mr. Griffin?

4 MR. GRIFFIN: Your Honor, in Counts 2, 3 and 4,
5 there's reference to taking funds belonging to the Estate of
6 Donna Badger and/or Arthur Badger.

7 THE COURT: Yes.

8 MR. GRIFFIN: Mr. Murdaugh believed that he was
9 obtaining funds from Arthur Badger only. And I've spoken
10 about this with Ms. Limehouse. But apparently at the bank,
11 the funds may have come from the estate account. It's
12 immaterial on guilt or innocence because they're both in here,
13 but Mr. Murdaugh wanted to make it clear that he believed the
14 money was being taken from Arthur Badger. It doesn't make it
15 any better, but that's just one fine point of clarification.

16 THE COURT: Are you asking -- are you suggesting that
17 he wants to be clear he stole from Arthur Badger rather than
18 the Estate of Donna Badger?

19 MR. GRIFFIN: Yes, your Honor.

20 THE COURT: I'm okay with that. Okay. What else?

21 MR. GRIFFIN: And the other point of clarification is
22 Count 8, and that is the conspiracy with regard to Corey
23 Fleming and the Satterfield proceeds. And it's important that
24 this is -- he's pleading to conspiracy, which is the agreement
25 he had with Corey Fleming. I think we agreed, by that

1 admission, he is not admitting that the underlying insurance
2 claim was valid, because he was taking the position in this
3 court in the civil case that it was a fraudulent insurance
4 claim. And I just wanted to be sure that it's on the record
5 that he's pleading to conspiracy, but it doesn't encompass
6 that he's acknowledging the underlying claim is valid.

7 THE COURT: So, again, what he's trying to do, he
8 says he conspired to steal the money, but that the way he
9 obtained the money was itself fraudulent?

10 MR. GRIFFIN: That's correct. But we're not saying
11 Mr. Fleming was aware of that. And so, the scope of the
12 conspiracy with Mr. Fleming was stealing from the Satterfield
13 Estate and the insurance companies.

14 THE COURT: Ms. Limehouse, is the government
15 satisfied with that?

16 MS. LIMEHOUSE: Yes, your Honor. He's not charged
17 with insurance fraud. And whether that was a legitimate
18 insurance claim or not is really irrelevant to the conspiracy
19 as charged in Count 8. He's charged with conspiring with
20 Corey Fleming to steal money that Corey Fleming believed
21 belonged to the Satterfield's. So, regardless of the
22 positions he's taken in related civil proceedings, as charged
23 in Count 8, his admission to conspire with Corey Fleming is
24 sufficient for the government's purposes.

25 THE COURT: I agree, Ms. Limehouse, for the

1 government's interest in this matter. Of course, I had the
2 gift of having that civil case as well.

3 MS. LIMEHOUSE: Congratulations.

4 THE COURT: Mr. Griffin, anything further?

5 MR. GRIFFIN: Those were the only points of
6 clarification we wanted to put on the record, your Honor.

7 THE COURT: Okay. Mr. Murdaugh, you've heard the
8 statements made by your attorney, Mr. Griffin.

9 Do you endorse those statements?

10 THE DEFENDANT: I agree with both those statements
11 and Ms. Limehouse's statements, your Honor.

12 THE COURT: Very good. It is the finding of the
13 Court in the case of the United States vs. Richard Alexander
14 Murdaugh, that the defendant is fully competent and capable of
15 entering an informed plea, that the defendant is aware of the
16 nature of the charges and the consequences of the plea, and
17 that the plea of guilty is a knowing and voluntary plea,
18 supported by an independent basis in fact, containing each of
19 the essential elements of the offense. The plea is therefore
20 accepted, and the defendant is now adjudged guilty of the
21 offense.

22 Mr. Griffin, if you would approach Ms. Perry, she has
23 a guilty plea for Mr. Murdaugh's signature.

24 Having received the guilty plea, and I've approved
25 the guilty plea, are there further matters at this time to

1 come before the Court? From the government?

2 MS. LIMEHOUSE: None from the government, your Honor.

3 THE COURT: From the defense?

4 MR. BARBER: Yes, your Honor. There is one matter.

5 THE COURT: Yes. Why am I not surprised?

6 MR. BARBER: Your Honor, as the Court is aware, there
7 are forfeiture provisions within the indictments in this plea
8 agreement. And Rule 32.2 anticipates that a preliminary order
9 of forfeiture would issue promptly. And the defendant simply
10 would ask that that order issue as soon as possible. Today
11 would be excellent. But there is, we believe, a risk of
12 anticipation which would be voided by the government
13 immediately taking possession of the assets that are subject
14 to forfeiture.

15 THE COURT: What's the government's view?

16 MS. LIMEHOUSE: Your Honor, as you're aware, we
17 typically handle these matters at sentencing. We do have a
18 forfeiture provision in the indictment that provides for both
19 a forfeiture money judgment of all proceeds that we can trace
20 to his crimes, as well as what he's admitted to, at least
21 \$9 million in the indictment. I do think we have some
22 discrepancies and disagreements about the actual loss amount
23 that's attributable to the defendant. He's admitted at least
24 9 million. We believe it's over 10 and a half. And so, those
25 are matters that we would have to address for your Honor at a

1 sentencing with respect to the loss amount and the guidelines,
2 the related guidelines.

3 That Rule 32 that Mr. Barber highlighted for the
4 Court just requires that you enter it sufficiently in advance
5 of sentencing to allow us to provide for any revisions. The
6 government today is not prepared to present what we believe is
7 enough evidence to support the 10.5 loss amount. And so, we
8 would just request additional time to be able to present that
9 amount to the Court.

10 THE COURT: Well, let me understand this. There is
11 no dispute that it's, at a minimum, \$9 million; is that
12 correct?

13 MS. LIMEHOUSE: That's correct.

14 THE COURT: And, you know, what I normally do at this
15 stage is do a preliminary order of forfeiture and then we make
16 it final at sentencing. You understand that correctly?

17 MS. LIMEHOUSE: Yes.

18 THE COURT: So, why don't we enter the preliminary
19 order of forfeiture of at least \$9 million. And we understand
20 that that number may change in the final order, but to at
21 least protect the assets from waste before then.

22 MS. LIMEHOUSE: We're fine with that, your Honor.

23 THE COURT: If you'll prepare me an appropriate
24 preliminary order of forfeiture, I'll sign it today.

25 MS. LIMEHOUSE: Okay. We will. Thank you, your

1 Honor.

2 THE COURT: Okay. The motion is granted.

3 MR. BARBER: Thank you, your Honor.

4 THE COURT: Anything further from the defense?

5 MR. GRIFFIN: No, your Honor.

6 THE COURT: Anything further from the government?

7 MS. LIMEHOUSE: Nothing from the government.

8 THE COURT: The hearing is adjourned.

9 * * * * *

10 I certify that the foregoing is a correct transcript from
11 the record of proceedings in the above-entitled matter.

12 s/Lisa D. Smith,

9/21/2023

13 Lisa D. Smith, RPR, CRR

Date

14

15

16

17

18

19

20

21

22

23

24

25