



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

Mandy Matney 00:02

I don't know if Alex Murdaugh will actually get a new murder trial in 2024. But things just got a lot more complicated and harder to predict with the recent Supreme Court appointment of Judge Jean Toal and the Becky Hill situation getting messier. My name is Mandy Matney. This is True Sunlight, a podcast exposing crime and corruption previously known as the Murdaugh Murders Podcast. True Sunlight is a Luna Shark production written with journalist Liz Farrell.

Mandy Matney 00:53

Hello and Happy Holidays, my friends. I'm really late on this, but I wanted to say thank you to Audible for naming my book, *Blood on Their Hands* a best True Crime audio book of 2023. Also, I just realized that I've never really been clear on the podcast that my book, *Blood on Their Hands: Murder, Corruption and the Fall of the Murdaugh Dynasty* is available on Audible and it's spoken by yours truly, me. I know a lot of you are traveling around the holidays and might need a little extra to listen to on the road. And if you've loved the podcast, I promise you will love *Blood on Their Hands*. So many of our faithful listeners have reached out or left reviews on Amazon, which is super helpful, saying that they've listened to every single episode but still found a ton of new information and inspiration reading the book that they didn't get from the podcast. *Blood on Their Hands* will also make an excellent Christmas gift for any pesky person in your life tired of the old system and ready to make a big change in 2024. Go to bloodontheirhandsbook.com and order your copy today. And be on the lookout for some really exciting book signing events coming to a town



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

near you in 2024. Now, I want to say something really important. Thank you! Our team has been doing a lot of planning for 2024. And it all sort of hit me the other day how we have actually set up a sustainable business model that will continue to pursue our mission of following the truth wherever it leads, giving a voice to the victims and getting the story straight. And we will keep doing that as long as y'all will keep listening to us. When we first got started with MMP, I couldn't believe that *At Large*, the advertising company we have partnered with, actually was willing to bet on us making another 48 episodes back in 2021 and 2022. That number used to make me panic. Most of 2022 I spent crippled with anxiety thinking, "How in the world are we going to get people to pay attention to us for that long while maintaining journalistic integrity and sticking to our mission? And then, how am I going to do a book on top of that? And how am I going to do all of this while an army of trolls are trying to convince me to live in fear because the internet hates me?" It was all too much. And sometimes I forget how much anxiety and fear I lived with during that time. I used to envision making the 48th episode, which was at the end of the first deal like crossing a marathon finish line. And for a long time, I gladly wanted to revert back to my life as a local reporter that the Internet didn't care about. But after a lot of therapy and self reflection, I now realize that I unfortunately allowed trolls to enter my psyche early on in this endeavor. And they actually convinced me that our success was a fleeting fluke that would be over faster than Alex Murdaugh's money managed to disappear. But turns out it wasn't a fluke. Our listeners stayed. Through ups and downs, twists and turns and temporary deep dives into other cases like Bowen Turner, Jeriod Price and the Solomon's, y'all stayed. And kept the momentum and our mission



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

going. You have learned to trust us when we say something is important or something is insignificant. And that trust that we have with our listeners and our sources means the world to us. We will never take that for granted. That trust that we have with y'all is why we triple check our facts and why sometimes it takes us a little longer to respond to breaking news. Because we know y'all aren't here for the knee jerk reactions. You are here for the truth. You are here for deep dives. You are here for trustworthy journalism. That trust and that belief in us has instilled a sense of motivation that has kept us going through dark times, deep betrayal, troll armies and what sometimes feels like an impossible battle against the system. Yet, here we are, after over 160 episodes of MMP, True Sunlight and Cup of Justice with a whole year ahead of us with so many exciting changes and additions to our LunaShark platform. I just want to say from the bottom of my heart, thank you for sticking with us and allowing us to do this very important work. It means the world to all of us.

Mandy Matney 05:50

Now, we need to talk about the Stephen Smith case where I have admittedly failed this year. I have not done nearly enough to push for justice in Stephen's case this year. There is no excuse for this, but I promise to do better next year. Starting in January, we have big plans of shining lots of light on the Stephen Smith case, and we again are asking for your help. First, we have a new website for you to write down and remember: answersforstephen.com. This is a contact form approved by Sandy that we hope people close to the situation will use to contact us with what they know. We have gotten a lot of tips sent to us over various social media accounts and devices in the past few years.



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

And to be honest, it has been impossible to keep track of and organize it, especially during chaotic times. So if you have already sent a tip to us about the Stephen Smith case, please do not be discouraged and please resubmit your tips to answersforstephen.com. In 2024 we have a pesky plan/goal to speak with as many investigators and first responders from Stephen's case in 2015, on or off the record. Specifically I am talking about Michael Duncan, Todd Proctor, J.D. James, Thomas Moore, David Rowell, Michael Bridges, and Nick Ginn to name a few. We want to know what really happened with the investigation and what went on behind the scenes. If we can find out what happened to that investigation, and if someone purposely derailed it, maybe we can find out who killed Stephen Smith. So if those men I named happen to be listening or if someone listening happens to know one of them and a good way to contact them, please contact us by going to answersforstephen.com or emailing us at info@lunasharkmedia.com. We hope to use this new website and easy to organize form as we will be working on getting more sources in Stephen's case in 2023. Sources as close to the situation as possible. Sources who will actually give us names. We know that there are people out there who know exactly what happened to Stephen Smith. Let me be clear here, this is not to interfere with law enforcement's investigation. We promise we will be carefully working with our law enforcement sources just as we always have before we share any new leads that could possibly compromise the investigation. If you feel comfortable to send tips straight to SLED please, again, do that at tips@sled.sec.gov. But honestly, we have given SLED a lot of time. Nine months since they said that they were prioritizing Stephen's case and it is time to revamp the pressure and remind them that this is the case to focus on in 2024. And by tips, let



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

me be clear here. Examples of the types of tips that we are looking for sound like, "My son told me that his friend was there when Stephen was killed. And I can tell you the name of the friend and my son's name." Or even a tip like, "I knew Stephen and I can tell you who he was involved with and who he wasn't around the time he was murdered." These types of tips are the kinds that break down walls and help solve cases. Tips that will lead us to someone with firsthand knowledge. Tips, not theories that can actually help solve this case in 2024. Tips submitted to answersforstephen.com are not public and will be vetted thoroughly and kept confidential until we get approval otherwise. Please leave your tips at answersforstephen.com. We promise you we will be making Stephen Smith a priority in 2024 and we will do our best to pressure SLED to do the same. 2024 will mark 9-years since Stephen's death and we're going to do everything in our power so that Sandy doesn't have to spend another year wondering what happened to her son. There is still hope that we can solve this case. And by the way, there is a \$30,000 reward for anyone who gives SLED information that leads to an arrest. We refuse to let this case go cold, no matter how many distractions the Murdaugh mess throws our way. If you know something, say something. Please, for Sandy, and for Stephen's family. We are begging you. Again, contact us at answersforstephen.com.

Liz Farrell 10:47

Today we're going to answer a few of the questions we've gotten about the Becky Hill case. But first we want to talk about a major development in Alex Murdaugh's reckless and destructive quest for a new trial. The Chief Justice of the South Carolina Supreme Court has finally appointed a Judge to take over for Judge Clifton Newman. In



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

surprise to no one here, Judge Toal is a woman. I say surprise to no one because that's how the good ole boys tend to roll in South Carolina. When there's a political mess to clean up it seems like they always send in women or people of color or both to take care of it. This Judge is not just a woman by the way. She is THE woman in South Carolina's judicial history. Her name is Jean Toal, and she was the first woman to be appointed Chief Justice of the State Supreme Court in the year 2000. And she's not just a trailblazer. She's long been considered one of the brightest legal minds in the state. And she was personal friends with other legal trailblazers such as Ruth Bader Ginsburg and Sandra Day O'Connor. I should also note that she's an octogenarian, so she's basically the grand dame of jurists who are not to be messed with. Meaning on its face, it seems like her appointment could be a message from the Supreme Court to Dick Harpootlian. You can keep taking your old man afternoon naps at the defense table without judgment, but you will accept her decisions on this matter. At least we're hoping that's what the message is. We're cautiously optimistic about her appointment, even though there are some valid concerns and criticisms about her past entanglements with the good ole boys, including decisions that have been perceived as being made to benefit her friends. Speaking of which, tune in for our next episode of *Cup of Justice*, because I'm sure we'll be diving in deep on that one with our co-host, Eric Bland, who has first hand experience with Judge Toal in that department. So let's talk a little bit about the order from Supreme Court Chief Justice Donald Beatty. Here's David with what it says.



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

DAVID MOSES 12:50

With the honorable Clifton Newman presiding, the defendant was convicted of the murders of Margaret Kennedy Branstetter Murdaugh and Paul Terry Murdaugh on March 2, 2023, and sentenced on March 3, 2023. On October 27, 2023, the defendant filed a motion for a new trial. I find that Clifton Newman has requested to be removed from all post trial matters related to the above referenced matters. It is hereby ordered that the Honorable Jean Hoefer Toal, retired Chief Justice of the Supreme Court of South Carolina, be assigned exclusive jurisdiction for the limited purpose of presiding over defendants motion for a new trial in the above matters. Justice Toal shall decide all matters pertaining to these cases, including motions to appoint and relieve counsel and shall retain jurisdiction over these cases, regardless of where she may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard as to whether there was a term of court scheduled.

Liz Farrell 13:56

The wording here is important. One, Justice Beatty does not use the word "recuse" to describe Judge Newman's departure from the case. Why? Because Judge Newman has not recused himself from the case. Though a recusal and asking to be removed have the same outcome. The distinction is important in that Judge Newman is not admitting to having any conflict of interest or to being unable to rule fairly in this case, both things that team Murdaugh have accused him of having and being. In other words, Judge Newman and the Chief Justice are not giving Dick and Jim any ground on their accusations of judicial bias.



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

Remember this when you hear or see people incorrectly assert that Judge Newman said anything improper during his appearance on *The Today Show* and at his alma mater. He didn't. Team Murdaugh took his words, stripped them of their context and even truncated at least one quote to make it look that way and then social media ran with it. Also, remember that the bottom line is that the Supreme Court did not disqualify Judge Newman, he asked to be removed from the case. I'm sure we'll be seeing some twisting of that fact from Team Murdaugh in the future. Two, let's talk about Justice Beatty's wording on what Judge Toal can do here. So he uses the word cases, which might be confusing to people knowing that there are several Murdaugh related cases that were assigned to Judge Newman. As of right now, Judge Newman is still presiding over the roadside shooting cases, assuming those charges still hold up because as you all know, we have suspicions about Alex actually having a \$10 million life insurance policy that he could commit fraud against. What Justice Beatty means here by cases is the four cases that comprise Alex's murder trial, that's two murder charges and two possession of weapons in the commission of a deadly crime charges. Those are the cases that Judge Toal has jurisdiction over when it comes to the new trial motion. Okay, so the new trial motion. That's different from Alex's appeal. His appeal is on pause for the moment. As a reminder, his appeal is based on the argument that Judge Newman erred in allowing testimony about Alex's financial crimes. Team Murdaugh believes that but for that decision Alex would have been found not guilty. Nevermind the nearly two years of lying about his alibi over and over again, which he would have kept doing had the video not surfaced. Or the fact that two terrified people testified that Alex had pressured them to tell SLED something different about where he was



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

and what he was wearing that night. Or the fact that Dick and Jim's recycled boat crash experts posited that Maggie and Paul had to have been killed by two five-foot two-inch weaponless wandering mischief makers with a bone to pick over a 3 year old DUI case. Or that the GPS data shows Alex slowing down right where Maggie's phone was thrown before speeding off to his mother's house. Anyway, Judge Toal will oversee the motion for a new trial in which Dick and Jim have accused Colleton County Clerk of Court Becky Hill of tampering with the jury. The first question for Judge Toal to answer is whether the arguments Dick and Jim have made are grounds for an evidentiary hearing. This is where things could get tricky. On the one hand, granting them an evidentiary hearing could be disarming for Dick and Jim in that they'd have to put up or shut up. Also, it would remove their ability to cry about the court not being fair to Alex. But also, an evidentiary hearing would give Dick new tap shoes and a big old stage to dance on. It would allow him to march in the clowns and unleash the fire eaters to distract and mislead. It would allow him to once again marshal the headlines in their favor. Now obviously the third thing an evidentiary hearing could do is prove their case, right? Prove that there was jury tampering in Alex's case. Here's what we have to say about that. One, let's start with the history here. Dick and Jim have lied for Alex in the past. Two, look at the so-called evidence they have produced in their motion, i.e., what evidence? That would be none. Three, look at the State's response to their motion for a new trial in which they not only expose Dick and Jim's complicity in the removal of the egg lady juror and expose the fact that the egg lady juror was caught in a lie, they called Dick and Jim out on their misleading statements in their motion. And they showed that no juror who rendered a verdict, including the one that Dick and Jim have



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

on their side, has said that anything Becky did or said resulted in them being prejudiced and believing that Alex Murdaugh is guilty of killing his wife and son. And four, consider the precedent that this would create and the message it would send every future juror out there. To us, the idea of blowing the door of the jury room off its hinges for Alex Murdaugh is laughable. That jury was tasked with making a decision in that moment based on the information they had learned in that courtroom. They did that. To question them on it now is reckless, and it's futile. It does not matter what a former member of the jury thinks now. It matters what they thought back then. If Judge Toal does agree to an evidentiary hearing, we hope that she will do so in as limited as way possible. In a way that gets to the truth while keeping a check on Dick and Jim's bombastic courtroom antics. And we hope she considers the obvious, which is that there was an overwhelming amount of evidence to support Alex's guilt.

Mandy Matney 19:19

Okay, lastly, let's talk about the part where Chief Justice Beatty has made a point to say that Judge Toal has jurisdiction over motions to appoint and relieve counsel. As of now, there are no such motions. But it is curious to us that the Supreme Court would make a point to say this. It would seem to be a given that a Judge assigned to a case would be in charge of doing those two things. Is the court giving Dick an out to remove himself from this case? There's been buzz that Dick Harpootlian has been looking for an escape route from this case for a while. Is the court hinting at something? I guess time will tell. Now, we'll dive deeper with Judge Toal and future coverage, but here is a quick rundown on important things to know about her. So to start with Walton McLeod



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

said this about her, "I'm kind of proud of Jean Toal and I've admired her brains and ability. Even when she is aiming at you, you can't help but admire her stuff." Before becoming a Judge in 1988, Judge Toal served 13 years in the State House. That is right. Judge Toal was also a lawyer legislator. Many women attorneys in South Carolina would say that they owe their careers to Judge Toal. She was the first woman to join the State Supreme Court in 1988. And again, the first woman to be appointed Chief Justice in the year 2000. When she retired from her seat as Chief Justice in 2015 after turning 72, *The Associated Press* wrote the following:

DAVID MOSES 20:56

When South Carolina Chief Justice Jean toe became a lawyer in 1968, she could argue cases before a jury but she couldn't be a juror.

Liz Farrell 21:06

Okay, so this isn't quite accurate. South Carolina was the second to last state in the union to allow women to serve on juries. Mississippi was last. That change for South Carolina in March 1967, not 1968. It's still gross and hard to imagine, though. That said, Jean Toal decided to become an attorney and did the hard work to become one at a time when she couldn't even decide on a person's guilt herself. A lot of our state's most consequential rulings have Judge Toal's name on them. Additionally, even though she voted with the majority in 2014 to keep autopsy records private, she is known for her advocacy of open meetings and open public records. She's the reason we have an electronic filing system for court records in the state of South Carolina. During her swearing in ceremony for Chief Justice she said quote,



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

"Many people have asked me what kind of Judge I will be. I hope I will always be curious and as excited about the structure of law as I have been since my first law school class. I hope I will rule with compassion." One of her daughters had this to say about her, "With Jean Toal honesty, honor and compassion are the backbone of all her actions." I believe this is where kids today would say, "Skrrrtt." One year after this Jane Toal got herself into some trouble. After a State Bar event one evening, her minivan sideswiped an unoccupied parked car. She then left the scene of the crash. When law enforcement went to her house they noted that she smelled like alcohol and that she had admitted to drinking. She denied knowing that she had hit the vehicle but said, "Probably," when law enforcement asked her if drinking might have contributed to this incident. She was not asked to take a breathalyzer. Instead, police ticketed her for driving too fast for conditions and leaving the scene of an accident. She reported herself to the bar. After the incident, newspaper coverage included experts saying that based on the damage to the other car, there's no way she could not have known she had hit it. She maintained though that she had taken out her hearing aids and was listening to a book on tape with the air conditioning blasting. Then six years later, it happened again. She was seen backing into a parked car at the Columbia airport. She got out to survey the damage and said she saw none so she left. A witness to the incident told police that the damage was immediately apparent to her and that Chief Justice Toal had waved her down and told her she was in a hurry. Toal said at the time that she didn't know about the damage until four hours later. She returned to the scene and asked police to ticket her. Then she called the owner of the vehicle and told her that she would do anything that needed to be done to make sure the



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

vehicle was repaired. Beyond those incidents Judge Toal has faced some of the same accusations of entitled behavior that we've become accustomed to hearing about Judges in South Carolina. From what we understand that behavior has had limited consequence, but in 1996, four years before she became Chief Justice, Justice Toal did get called out for her behavior with courtroom staff. According to media reports at the time, Justice Toal was accused of being aggressive and hard charging in her interactions with courtroom staff. She told legislators that before she was elected in 1988, Justices were mostly absent from their offices, only coming in once or twice a month. She operated differently and as such, her constant presence was annoying to staff members who were not accustomed to having to deal with Justices on a daily basis. The main accusation from staff though centered on Justice Toal's, so called temper and her alleged use of profanity. These accusations came about at a time when Justice Toal was facing a challenger for her seat. She was the first Justice in the 20th century to face a challenger in her bid for re-election. Imagine that. Her challenger, Judge Tom Irvin got caught calling Justice Toal's staff to ask for dirt on her. When asked to testify about Justice Toal's behavior, most court employees reported that they never heard her curse, belittle or publicly humiliate any other employee and that they themselves were not subjected to any such behavior. One former law clerk said that Justice Toal's never ending intellectual stimulation could perhaps be intimidating to some and that she liked to play devil's advocate as a way to work through problems. Justice Toal herself noted that she spoke loudly because of a hearing loss, but that quote, "Tough questioning does not always equal to a lack of decorum." Even though it's super clear to us that this was just a predictable bout of sexism, because what



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

man in South Carolina would ever be called into the legislature to talk about their swearing and loudness at work? I mean, think about Dick Harpootlian's language and demeanor alone. We think this is a pretty good indicator that Judge Toal can handle the likes of Dick and Jim. In fact, it makes us wonder if she would have let Dick get away with pointing an automatic rifle at the prosecution.

Mandy Matney 26:13

So the number one question we have been asked about Judge Toal, is what we think about her appointment to Alex Murdaugh's case and what it could mean for Alex Murdaugh getting a new trial. Again, we'll talk more about this on *Cup of Justice*, but to wrap up our feelings, we are cautiously optimistic. Most of our legal sources have independently agreed that if anyone can stop Dick and Jim's nonsense and restore order, it would be Judge Toal. Many of our sources see her appointment as a signal from the Supreme Court that they want to preserve and protect Judge Newman's legacy and preserve and protect the sanctity of the jury room. One source particularly said that they couldn't see Beatty, who values and respects Judge Newman's legacy of picking someone who would be in obvious favor of Dick Harpootlian. Those are good things. Some people have asked us about Judge Toal's relationship with Dick Harpootlian, who was once described as her long term friend in a newspaper article I tweeted about. Here's the thing we have learned about Dick Harpootlian and his relationships. Like most slick politicians grasping for power, a majority of Harpootlian's relationships are largely transactional. He is loyal to himself and his needs, which means people sometimes described as his friend like Jean Toal tend to float in and out of his inner circle, depending on what is



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

most beneficial to him. One source did say in 2014 Dick supported Toal's opponent in a nasty election that came down to the wire. That source also said that Toal is known for punishing her enemies, which could mean that Dick is in trouble if he hasn't made amends with her since 2014. That said, we cannot forget that one Murdaugh hearing in August 2022. When Dick Harpootlian specifically named Justice Jean Toal and suggested that the court appoint her to manage evidence in the case when he didn't get his way with Newman.

Dick Harpootlian 28:19

So your honor, what I have to say to you is this. I don't trust the State to honor the rules. They haven't so far as we point out in our motion. I ask the Court to appoint a Special Master to supervise discovery in this case. A number of retired judges have done this in the past. Not because you can't do it, but because it would consume all of your time to do it. Someone like retired Chief Justice Toal..there are a number of them out there that do it in civil cases all the time. So I ask the court to consider appointing a Master to supervise the State in reviewing and assisting them in reviewing the documents, to make sure we get what we should get. Thank you.

Mandy Matney 29:03

So maybe she was on his good side then. Or maybe he's delusional and thought that he was. Like I said, it is tricky. The other thing that is tricky is Toal's relationship with the Murdaugh family. It's not shocking the Toal's career crossed paths with Alex's father, Randolph Murdaugh. Actually LunaShark Premium Member Stephanie Truesdale found an



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

interesting Supreme Court ruling that reversed a Colleton County man's murder conviction. In that case, Randolph Murdaugh was the prosecutor. The Supreme Court ruled that there wasn't enough evidence of guilt for the jury in the case to consider. But Toal wrote the dissent in that case, and was one of two votes against the court overturning his conviction. Meaning she sided with the prosecution and she said she believes that there was enough evidence to find that man guilty. Also, in 2009, Toal sung Randolph Murdaugh's praises at a Hampton County Courthouse portrait unveiling. Toal was quoted by The Augusta Chronicle saying, quote, "When the legal history of South Carolina is set for the ages, the name Randolph Murdaugh will be written large." Boy, was she right about that. Bottom line of all of this, Judge Jean Toal is a serious wildcard. She is notorious for doing what she wants and notorious for being unpredictable when it comes to her rulings.

Liz Farrell 30:46

Okay, now we want to address some of the questions we've gotten over the past few weeks about Becky Hill and her case. The first question is, why hasn't Becky been fired? The answer to that is twofold. First, Becky hasn't been sanctioned by the Ethics Commission. She has not been found guilty of the accusations made against her and thus far she has not been charged with any crimes. Meaning she's still innocent until proven guilty. The second part of that answer is that she's an elected official. Should this reach a point where she's found guilty of any of the accusations made against her or charged with a crime she can step down from office. If she refuses to step down it would be up to the governor to remove her. There's no such thing as recall elections in



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

South Carolina, hence why we call this the land of no consequences. Now getting Governor Henry McMaster to remove someone from office is usually a task. First of all, it's a case by case decision that's almost always political. Also, generally speaking, when McMaster doesn't want to deal with it, he'll default to the philosophy that voters ultimately have responsibility for removing someone from office in the next election. Earlier this year, lawmakers called on McMaster to remove the state's longtime elected comptroller, a man named Richard Eckstrom, who was responsible for an epic accounting mistake costing the state \$3.5 billion. McMaster wouldn't do it, so lawmakers began to look at ways to fire him themselves. In the end, Eckstrom finally agreed to step down but that was after a seemingly "from my cold dead hands" standoff with lawmakers.

Mandy Matney 32:14

Another example, in 2020 former Bamberg County Councilman Trent Kinard was arrested and charged by SLED with multiple counts of sexually assaulting children, you know, very serious offenses that should require immediate suspension for any person in a position of power. Well, it took McMaster more than two months to simply suspend this man from office. Trent Kinard was represented by Bakari Sellers, by the way, the former lawmaker and high powered lawyer with strong connections to Dick Harpootlian. The one who was quoted in People Magazine in 2021, calling the Murdaugh family, "the salt of the earth," and referring to Alex on Twitter as a "kind, gentle soul." By the way, guess what happened to Trent Kinard since he hired a fancy attorney with connections even after he was arrested while out on bond for attempting to buy a gun while facing felony charges? He got a



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

sweetheart deal. The solicitor dropped over a dozen criminal sexual assault against a minor charges and he was able to plead guilty to one count of assault and battery. Judge Perry H. Gravely, a judge in the upstate who we have not talked about before, sentenced Kinard to just 42 months of house arrest in December 2022. This is why we call South Carolina the land of no consequences. These are the types of stories in the backs of our minds when we look at the accusations lodged against Becky and why they feel very minor to us. Because we are so use to men in power in this state getting away with cheating, lying, stealing and sometimes even murdering and raping children. This is why our voices shake when we scream for reform. We have seen it go on for years and we have seen that the system is simply broken. At any rate, it is not clear whether McMaster has even been asked to remove Becky from office. But at this point, there would be no grounds to do so. Again, she's only being accused of wrongdoing. She has not been charged. She has not been sanctioned. And in Trent Kinard's case, McMaster would only suspend him after a grand jury indictment for a crime of moral turpitude. So right now, there are accusations that could result in fines and possibly charges but there have been no charges and no indictments. And not to sound like a broken record, but the ethics complaints that she could be fined for have nothing to do with jury tampering. The cold hard fact here is that the Ethics Commission is largely considered a joke in South Carolina and typically ends up resulting in little accountability and a whole lot of wasted tax dollars. Years ago, I reported on an ethics commission case where a South Carolina school board member was fined \$1,000 for voting on a \$550,000 school board contract involving an organization where his wife served as a board member. It took two years before he was found



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

guilty of that charge. And get this, he used tax dollars to help him fight the ethics complaint. He hired a Columbia law firm to help fight his ethics complaint and that firm racked up a \$14,000 bill. All for a school board member's blatant mistake that he was clearly guilty of and resulted in a fine of just \$1,000. Ultimately, a law firm got an easy \$14,000 contract paid for by Richland County taxpayers all because the school board member broke the rules. Tell me where is the accountability there?

Liz Farrell 36:11

The other thing about the Ethics Commission is that officials know they have little authority even when it comes to enforcing violators to pay their fines. A brilliant investigation in 2021 by Avery Wilks and Joseph Cranney of the *Post and Courier* found that more than 370 politicians and officials had an outstanding debt of more than \$3 million for ethics commission fines that they just never paid. Land of no consequences like we keep saying. Additionally, even if the Ethics Commission finds that Becky violated state ethics law, it wouldn't necessarily mean that she would step down or should step down or be removed from office. In Beaufort County, I can name two public employees who have been cited by the State Commission for violating ethics laws. One was the school superintendent who the school board continued to support after it was discovered that he was using his position to earn side money, significant side money for serving as a consultant to outside vendors. Another was a man who served as interim County Administrator before leaving his position for another high ranking public position on Hilton Head Island. He wrote himself a nice fat contract that paid him \$25,000 to consult with the county after his departure. The first man eventually



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

resigned, but only after securing a more than \$200,000 exit package. The second man is still happily plugging away in his high paid position on the island. Now, we're not saying any of that is right. We're saying that the standards are very low when it comes to consequences of not only being accused of an ethics violation, but also being found guilty of one. We also want to point out the retaliatory nature of ethics complaints. While we believe there to be far more ethics complaints out there that have merit to them that should result in sanctions than there are not. We also have seen examples of the Ethics Commission being used to silence political opponents or to put pressure on them. Remember what Dick did to Eric in December of 2021? He didn't like what Eric was saying in the press so he filed a complaint against him with the ODC basically holding Eric's law license over his head. Remember in Episode Six of *True Sunlight* when we did a deep dive on Judge Casey Manning, the Judge who allowed lawyer legislator Todd Rutherford to secure a secret deal to release Jeriod Price, a murderer from prison 16 years before a sentence was up? In that episode we told you about how a group of women public defenders had filed a complaint against Judge Manning for his egregious behavior in the courtroom. To retaliate, Judge Manning filed complaints against the women with the ODC and basically held their licenses in hac so that they would back down. If you know of any instances, by the way, in which the State Ethics Commission or the ODC were used as a means of pressuring someone over a matter, send us an email and let us know because we know there are countless examples of this out there.



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

Mandy Matney 39:04

Okay, the next question that we need to clear up is I see some on social media saying that Becky Hill ignored the ethics ruling that said she could not write her book. Is that true? The answer to that is absolutely not and you should question anyone who tries to claim that this is true. Because it shows that they are either incapable of understanding the facts or they are intentionally misleading you. We have explained this before a few times in past episodes, including last week. So please go back to that episode if you need more clarity. What you need to know is that the Ethics Commission and formal ruling on this essentially allowed her to write the book. She did not, as far as we know, violate anything in that April 2023 decision. Now in the two ethics complaints that were filed against her this summer, she is being accused of hosting book signings during work time, which she denies doing. Also, online commenters are sharing instances where it is clear that Becky used her work email to conduct personal business. Is that a good look for Becky? No. Is it something that means that she tampered with the jury? No.

Liz Farrell 40:24

The next question is, what is the deal with the picture? So the picture refers to a snapshot that was taken of a security camera screen showing Alex lying in his cell during the trial. In one of the ethics complaints filed by the husband of a 14th Circuit Solicitor's office employee who, according to sources, would have had no firsthand knowledge of any of the accusations he's made against Becky, Becky is accused of using her political position and authority to obtain confidential information and digital images of the defendant and others during the trial. She is also accused of allowing Melissa Gordon, the wife of her co-author, to have



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

unfettered access to the courthouse during the trial. The complaint accuses Melissa of taking a photo of the security screen showing Alex in his cell awaiting the verdict. This assertion not only accuses Becky of wrongdoing, it accuses Melissa of violating Judge Newman's order against citizens and the media having their cell phones in the courthouse. In her response to the Ethics Commission, Becky says she was given this photo by a bailiff named Gary Hale who is now her Deputy Clerk of Court. She says that there are 15 areas of the courthouse where there are monitors showing various angles of the security cameras. She says Gary took a photo of the screen of one of the monitors and shared it with her. She says that she later shared this photo with Melissa who placed it on social media. Online commenters contend that this photo actually came from Becky's computer though it's unclear how they arrived at that conclusion, especially when the ethics violations themselves do not accuse Becky of taking that photo herself. In their response, Becky says she did not encourage anyone to post the photo nor did she suggest that it should be made public. She also notes that she didn't use the photo in her book. So to recap, Becky says she didn't take the photo, but she did send it to the wife of her co-author who put it on Facebook. This photo never appeared in Becky's book. I don't want to get into the weeds with this one because ultimately, this is not a question that Judge Toal will be considering when deciding whether to give Alex a new trial. However, it's worth pointing out that there's nothing that we know of that says that a photo of an inmate of a county jail lying in his bed fully clothed would not be considered public information. Every jail has its own policies. We've never FOIA'd for security footage of an inmate cell to test this out though. In July of this past year, The South Carolina Department of



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

Corrections released the contents of Alex's iPad to the media in response to a FOIA request. In that response were photos of Alex without a shirt on. The Department of Corrections later said that the photos were inadvertently released. The Department of Corrections, meaning the prison, does have a policy that prohibits the release of inmate photos citing security concerns. What we're saying is this. There's a difference between something that feels wrong and actually is wrong. It's not clear that Becky sharing that photo would be considered a violation of either courthouse policy or state law. Becky is the Clerk of Court and had we FOIA'd for that photo, she likely would have been the person to decide whether that photo was public information absent a policy on it.

Mandy Matney 43:34

Okay, final question. Are y'all on Becky's side in this? I think regular listeners know the answer here is a complex one. We see what is happening. We see who is doing it. We know that Becky has made it easy for them. And we know that most media seems intent on whipping people around so they are facing the wrong direction and focusing on the wrong things. All with the mistaken idea that they are covering an ordinary case of a public official facing ordinary corruption accusations. That frustrates us because this case is not ordinary. In other words, we firmly believe that what's happening to Becky right now is politically driven and that it's being done to help bolster Alex's claims that she tampered with the jury. We think the timeline, which we talked about last week, says it all. But we also know from our sources that Becky likely is going to be in trouble. However, a source who is familiar with what investigators are finding told us that the most serious



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

accusations launched against Becky, the ones that could result in criminal charges, are the ones that were not made in the ethics complaints. That in their investigation into the criminal aspects of the complaints, they found something else. And in their investigation into Becky son's wiretapping case, they found that calls were recorded starting in July, which is when Becky's ethics complaints were filed. Meaning they suspect that Becky knew that this was happening. Becky has denied knowing that her son was listening in on Meghan Utsey's calls, and she says her son never shared any information with her about those calls. The only time he mentioned anything was to ask Becky whether someone in the clerk's office, a longtime friend of Becky's, who was one of the two people who filed ethics complaints against her, was actually her friend. To which Becky reportedly replied, "I thought so." In addition, we've been told that Becky's son is maintaining that he was told to record the calls by his boss because of a suspected interoffice romance involving a staffer and an employee of the 14th Circuit Solicitor's office.

Liz Farrell 46:01

As you can see, this case is incredibly messy. The most important thing is this, though, we've been told unequivocally that nothing that is contained in the ethics complaints and nothing that investigators have found outside of those complaints so far has anything to do with Alex Murdaugh or his trial. Which brings us to the point we want to make crystal clear. We will continue to speak out against reckless conflation between Becky's lapses in judgment and ethics troubles with the accusations Dick and Jim are making against her in regards to the jury. They are not the same. One does not, from what we're seeing and



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

hearing so far, confirm the other. Us making this distinction does not make us inherently on Becky's side, we are on the side of one justice system for all. We do not believe that a powerful attorney like Senator Dick Harpootlian, or an influential and wealthy man like Alex should be rewarded for abuses of the justice system. And until we see evidence that this jury was tampered with, that their verdict was a result of prejudice and pressure they received from Becky, we are defaulting to believing the only thing anyone who has been paying attention thus far should believe. And that's that we are being misled by the defense. Until proven otherwise, that is where our heads are at. We believe regardless of whether investigators find reason to charge Becky that the ethics complaints were made when they were because the primary goal was not to expose corruption, but rather to throw doubt on Becky's character. We believe this because the bulk of both complaints are weak, and of the three dozen or so accusations only two or three of them included specific examples that demonstrate firsthand knowledge of a potential violation, which happened two years earlier. The complaints include several accusations that appear to be solely based on the complainants assumptions. Such as the idea that Becky allowed Melissa Gordon to cut the line and get a seat in the courtroom throughout the entirety of the trial. Melissa attended trial four times. She didn't meet Becky until March 1, the day before the jury reached its verdict. Another example would be the idea that media gave Becky a birthday party in the Wildlife Center. That event, as we've told you before, was paid for by Joe McCulloch, Dick's close friend and the lawyer for the egg lady juror. There was another party in which Becky's birthday was celebrated. That party was a birthday party for one of the reporters which she held at her Airbnb. Because Becky's birthday was



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

also around that same time Becky attended the party and took part in it. We've seen the invitation to that party, no mention of Becky was made in it. Becky is accused of receiving gifts from members of the media. But we've yet to see evidence of that or any specific accusation. Neither complainant said who allegedly did this or what gift Becky allegedly received. Again, until there are examples, all of these are assumptions. For her part, Becky denies most of the accusations made in the ethics complaints. In one complaint she's accused of providing two exhibits that should have been sealed to the production company that made the Netflix documentary. She admits that this happened but says it was an oversight. When the error was discovered, she said she contacted the production company to tell them that they could not under any circumstances publish that information. A hearing was held in June to seal the exhibits and Becky said she immediately shared Judge Newman's order with the production company which complied. As for the accusations that she misuse federal funds by buying furniture for the courthouse and giving bonuses to court staff, Becky includes an email with her response that appears to be from the administrator of the federal grant in question. This administrator tells her she's allowed to do both things so long as they involve family court. As for the accusation that she kept a refund from a uniform vendor, Becky included a copy of the refund along with what appears to be the deposit slip for that check into the Clerk of Court's account. As for the accusation that she redirected a \$100 check from a tourist into her personal account, Becky included an email showing that her Deputy Clerk had been the Director of Finance for the county who is a man who represents 1/3 of the 501C3 that serves as a landlord to Duffy Stone's office buildings, aware of the check and she told him that they



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

wanted to use the money to put toward new windows for the courthouse. Also attached to the response is a transmittal form showing that the money was sent to the finance department on June 1. So again, we're not sharing the details of these ethics complaints to build a case for Becky's innocence, per se. We're sharing them to show you how weak these complaints seem, once you break them down. How is it that two people, one of whom worked for Becky and one of whom is connected to this only through his relationship to a 14th Circuit Solicitor's office employee, both of whom had clearly no first hand knowledge that this check was stolen because it doesn't appear to have been stolen, were allowed to create so much chaos based on assumptions? Fascinating, right? Again, we're pointing these things out not as a full throated defense of Becky or to broadly excuse any behavior that might ultimately be found to be corrupt. We're simply saying that something does not seem right here. And that's by design, and we wish that more media would acknowledge it.

Mandy Matney 51:33

So back to Judge Toal. We hope that she sees what we see and we hope that she doesn't conflate the suspicions about Becky as they relate to the ethics complaints with the issue at hand, which is did Becky tamper with this jury? So many people continue to misunderstand this case as a "she said, she said" situation. They think that it all boils down to Becky's word against the word of some egg lady. They think that Alex getting a new trial rests solely on whether a Judge can believe Becky against the egg lady. We are saying the egg lady juror is not a factor in this decision, nor should she be. Her dismissal was not because Becky said that she should be dismissed. It wasn't because of anything that



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

SLED did. A pizza shop employee reported to Judge Newman that her co-worker, a tenant of the egg lady, was telling people what the egg lady juror was saying about the trial. The pizza shop employee has no connection to Becky or SLED according to what she told Dick when he went to visit her home hoping to find his smoking gun. Not only did the tenants admit in the presence of Dick and Jim that the egg lady did talk to them about the case, the egg lady's own husband also said that she talked about the case. It doesn't matter what egg lady said. It matters that she said anything at all, which was against Judge Newman's rules. One more time, that is why she was dismissed. It is that simple. And we hope that Judge Toal will be able to make the distinction between the matter at hand versus the matter that exists solely for the headlines right now. Even if Becky is criminally charged, it does not automatically grant Alex a new trial. Even if Becky's credibility is entirely dismantled. It does not equal Alex gets a new trial. Think about it. Should every single murder defendant who can afford an expensive legal team get a new trial just because they're expensive defense team found that someone who worked in the courthouse had unrelated ethical issues? Is that really justice? Is that really preserving due process? It is not. That would be chaos. That would spin the wheels of justice back in time. That would solidify the two systems of justice that tilt in favor of the rich and powerful. So, Alex's defense team claims that they just need to prove that Becky and her alleged inappropriate actions could have influenced Alex's guilty verdict. But the prosecution believes that the defense has to show actual evidence to prove that she actually tampered with the jury. Ultimately, it will all come down to Judge Jean Toal, the complicated trailblazer with a lot of connections in a history of being unpredictable to decide if the state is going to spend



EPISODE 30: Judge Toal Becomes Alex Murdaugh's New Judge + What We Need To Solve Stephen Smith's Murder

another half million dollars on the man who undoubtedly deserves to spend the rest of his life behind bars. Hopefully, she sees what we see, that there is no justification that would warrant a new trial for Alex. LunaShark reporter Beth Braden checked in with the Attorney General's Office on Wednesday to get an update on where Alex hearing for a new trial stands. As of now, there are no hearings scheduled. And the AG's office said that they do not believe there will be a hearing until the new year. If and when it does, we will be there. Stay tuned, stay pesky and stay in the sunlight. And Merry Christmas from all of us at Luna Shark. True Sunlight is a Luna Shark Production created by me, Mandy Matney and co-hosted by journalist Liz Farrell. Learn more about our mission and membership at lunasharkmedia.com. Interruptions provided by Luna and Joe Pesky.

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