

**NO. 24-4211**

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In The  
**United States Court Of Appeals**  
**For The Fourth Circuit**

**UNITED STATES OF AMERICA,**  
*Plaintiff - Appellee,*

v.

**RICHARD ALEXANDER MURDAUGH,**  
*Defendant - Appellant.*

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AT BEAUFORT**

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**JOINT APPENDIX**  
**Volume I of II**  
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**COURTESY OF  
LUNA SHARK MEDIA**

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APPEAL,CLOSED

**U.S. District Court  
District of South Carolina (Beaufort)  
CRIMINAL DOCKET FOR CASE #: 9:23-cr-00396-RMG-1**

Case title: USA v. Murdaugh

Date Filed: 05/23/2023

Date Terminated: 04/01/2024

Date Filed	#	Docket Text
05/23/2023	<a href="#">2</a>	<b>Order to Seal Indictment as to Richard Alexander Murdaugh. Signed by Magistrate Judge Kaymani D West on 5/23/2023.(cwhi, )</b> (Entered: 05/23/2023)
05/23/2023	<a href="#">3</a>	SEALED INDICTMENT (Sealed Grand Jury Ballot attached) as to Richard Alexander Murdaugh (1) count(s) 1, 2, 3-7, 8, 9-22. (Attachments: # <a href="#">1</a> GJ Ballot) (cwhi, ) (Entered: 05/23/2023)
05/23/2023	<a href="#">4</a>	PENALTY SHEET as to Richard Alexander Murdaugh (cwhi, ) (Entered: 05/23/2023)
05/23/2023	<a href="#">6</a>	<b>ORDER FOR ISSUANCE OF Arrest WARRANT as to Richard Alexander Murdaugh. Signed by Magistrate Judge Kaymani D West on 5/23/2023.(cwhi, )</b> (Entered: 05/23/2023)
05/23/2023	<a href="#">8</a>	<b>Writ of Habeas Corpus ad Prosequendum Issued as to Richard Alexander Murdaugh for from time to time until this matter is concluded. Signed by Magistrate Judge Kaymani D West on 5/23/2023.(cwhi, )</b> (Entered: 05/23/2023)
05/24/2023	<a href="#">10</a>	MOTION to Unseal Case by USA as to Richard Alexander Murdaugh. (cper, ) (Entered: 05/24/2023)
05/24/2023	<a href="#">11</a>	<b>ORDER granting <a href="#">10</a> Motion to Unseal Case as to Richard Alexander Murdaugh (1). Signed by Honorable Richard M Gergel on 5/24/23.(cper, )</b> (Entered: 05/24/2023)
05/24/2023	<a href="#">12</a>	NOTICE OF ATTORNEY APPEARANCE Kathleen Michelle Stoughton appearing for USA. (Stoughton, Kathleen) (Entered: 05/24/2023)
05/24/2023	<a href="#">13</a>	NOTICE OF ATTORNEY APPEARANCE Winston D Holliday appearing for USA. (Holliday, Winston) (Entered: 05/24/2023)
05/24/2023	14	Case Reassigned as to Richard Alexander Murdaugh to Honorable Richard M Gergel. (bshr, ) (Entered: 05/24/2023)
05/24/2023	15	NOTICE OF HEARING as to Richard Alexander Murdaugh Initial Appearance and Arraignment set for 5/31/2023 01:30 PM in Charleston Courtroom #5, U. S. Court House, 85 Broad St, Charleston before Magistrate Judge Molly H Cherry. (cwhi, ) (Entered: 05/24/2023)
05/31/2023	17	<b>Minute Entry for proceedings held before Magistrate Judge Molly H Cherry: Initial Appearance as to Richard Alexander Murdaugh held on 5/31/2023, Arraignment as to Richard Alexander Murdaugh (1) Count 1,2,3-7,8,9-22 held on 5/31/2023. AUSAs Emily Limehouse, Kathleen Stoughton, and Winston Holliday present for the government. Attorneys Jim Griffin, Dick Harpootlian, and Phillip Barber make a general appearance and are present with the defendant. Defendant enters not guilty plea. Court reviews FRCrP Rule 5 Disclosure and directs that a written copy be filed.</b>

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		<b>Government moves for detention. Defendant waives detention hearing and remains detained. Court Reporter April Snipes, CS. (egra, )</b> (Entered: 05/31/2023)
05/31/2023	<a href="#">18</a>	Not Guilty PLEA ENTERED as to Richard Alexander Murdaugh (egra, ) (Entered: 05/31/2023)
05/31/2023	<a href="#">19</a>	<b>ORDER OF DETENTION as to Richard Alexander Murdaugh. Signed by Magistrate Judge Molly H Cherry on 05/31/2023. (egra, )</b> (Entered: 05/31/2023)
05/31/2023	<a href="#">20</a>	<b>FRCrP 5(f) DISCLOSURE ORDER as to Richard Alexander Murdaugh. Signed by Magistrate Judge Molly H Cherry on 05/31/2023. (egra, )</b> (Entered: 05/31/2023)
05/31/2023	<a href="#">21</a>	<b>ORDER GOVERNING DISCOVERY as to Richard Alexander Murdaugh. Signed by Magistrate Judge Molly H Cherry on 05/31/2023. (egra, )</b> (Entered: 05/31/2023)
05/31/2023	<a href="#">23</a>	WAIVER of Rights Under Interstate Agreement on Detainers by Richard Alexander Murdaugh- (Limehouse, Emily) (Entered: 05/31/2023)
05/31/2023	<a href="#">24</a>	Warrant Returned Executed on 05/31/2023 in case as to Richard Alexander Murdaugh. (cwolf-USMS, ) (Entered: 05/31/2023)
05/31/2023	<a href="#">25</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Richard Alexander Murdaugh Arraignment held on May 31, 2023, before Judge Molly H. Cherry. Court Reporter/Transcriber D Bull, Telephone number/E-mail debra_bull@scd.uscourts.gov. Tape Number: 92. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. Redaction Request due 6/21/2023. Redacted Transcript Deadline set for 7/3/2023. Release of Transcript Restriction set for 8/29/2023. (Bull, Debra) (Entered: 05/31/2023)
05/31/2023	<a href="#">26</a>	TRANSCRIPT/CD REQUEST BY NON-PARTY as to Richard Alexander Murdaugh (Bull, Debra) (Entered: 05/31/2023)
06/01/2023	<a href="#">27</a>	NOTICE OF ATTORNEY APPEARANCE: Richard A Harpootlian appearing for Richard Alexander Murdaugh (Harpootlian, Richard) (Entered: 06/01/2023)
06/01/2023	<a href="#">28</a>	NOTICE OF ATTORNEY APPEARANCE: Phillip Donald Barber appearing for Richard Alexander Murdaugh (Barber, Phillip) (Entered: 06/01/2023)
06/05/2023	<a href="#">29</a>	NOTICE OF ATTORNEY APPEARANCE: James Mixon Griffin appearing for Richard Alexander Murdaugh (Griffin, James) (Entered: 06/05/2023)
06/05/2023	<a href="#">30</a>	NOTICE OF ATTORNEY APPEARANCE: Margaret Nicole Fox appearing for Richard Alexander Murdaugh (Fox, Margaret) (Entered: 06/05/2023)
06/06/2023	31	NOTICE OF HEARING as to Richard Alexander Murdaugh: Telephone Conference set for 6/23/2023 10:30 AM before Honorable Richard M Gergel. Court to send out dialing instructions.(cper, ) (Entered: 06/06/2023)
06/23/2023	32	<b>Minute Entry for proceedings held before Honorable Richard M Gergel: Telephone Conference as to Richard Alexander Murdaugh held on 6/23/2023. All parties are represented on the call. (cper, )</b> (Entered: 06/23/2023)
06/23/2023	33	<b>TEXT ORDER TO CONTINUE - Ends of Justice as to Richard Alexander Murdaugh: The Court conducted a status conference with counsel on 6/23/23. The Court was informed that no discovery has yet been produced and that additional time is needed for defense counsel to address outstanding matters. Defendant moved for a continuance and the Government consented. The Court finds the ends of justice are</b>

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		<b>served by a continuance and outweigh the interests of the public and the defendant in a speedy trial. The motion for a continuance is granted. Counsel are directed to file a joint status report in this matter on or before 7/31/23. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M. Gergel on 6/23/23.(cper, ) (Entered: 06/23/2023)</b>
07/18/2023	<a href="#">34</a>	MOTION for Discovery by Richard Alexander Murdaugh. No proposed order(Harpootlian, Richard) (Entered: 07/18/2023)
08/03/2023	35	<b>TEXT ORDER TO CONTINUE - Ends of Justice as to Richard Alexander Murdaugh: The Court conducted a status conference in this matter on 8/3/23. Defendant requested a continuance of 45 days to allow time for defense counsel to receive and review outstanding discovery in this matter. The Government consents to the continuance. The Court finds that the ends of justice are served by a continuance and outweigh the interests of the public and the Defendant in a speedy trial. The defense motion for a continuance of 45 days is granted to provide defense counsel adequate time to obtain and review discovery and to prepare for the ultimate disposition of this matter. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M. Gergel on 8/3/23.(cper, ) (Entered: 08/03/2023)</b>
08/24/2023	36	NOTICE OF HEARING as to Richard Alexander Murdaugh: Change of Plea Hearing set for 9/21/2023 10:00 AM in Hon. Sol Blatt, Jr., Courtroom, J. Waties Waring Judicial Cntr, 83 Meeting St, Charleston before Honorable Richard M Gergel. Courtroom 1 is reserved for overflow.(cper, ) (Entered: 08/24/2023)
09/18/2023	<a href="#">37</a>	PLEA AGREEMENT as to Richard Alexander Murdaugh (Limehouse, Emily) Modified on 9/21/2023 to replace with dated signature page.(cper, ). (Entered: 09/18/2023)
09/21/2023	38	<b>Minute Entry for proceedings held before Honorable Richard M Gergel: Change of Plea Hearing as to Richard Alexander Murdaugh held on 9/21/2023 Plea Agreement Accepted, Richard Alexander Murdaugh (1) Guilty Counts 1, 2, 3-7, 8 and 9-22. Court Reporter Lisa Smith. (cper, ) (Entered: 09/21/2023)</b>
09/21/2023	<a href="#">40</a>	GUILTY PLEA ENTERED as to Richard Alexander Murdaugh (cper, ) (Entered: 09/21/2023)
09/21/2023	<a href="#">41</a>	MOTION for Forfeiture of Property by USA as to Richard Alexander Murdaugh. Proposed order is being emailed to chambers with copy to opposing counsel(Sherard, Carrie) (Entered: 09/21/2023)
09/22/2023	<a href="#">42</a>	<b>PRELIMINARY ORDER OF FORFEITURE granting <a href="#">41</a> Motion for Forfeiture of Property as to Richard Alexander Murdaugh (1). Signed by Honorable Richard M Gergel on 9/22/23.(cper, ) (Entered: 09/22/2023)</b>
09/25/2023	<a href="#">43</a>	MOTION for Immediate Seizure of Defendant's Assets by Richard Alexander Murdaugh. No proposed order (Attachments: # <a href="#">1</a> Exhibit A - Transcript Excerpt from May 3, 2023 hearing, Beach v. Parker)(Barber, Phillip) (Entered: 09/25/2023)
09/26/2023	<a href="#">44</a>	Letter as to Richard Alexander Murdaugh in re: Defendant's Motion for Immediate Seizure of Defendant's Assets (Attachments: # <a href="#">1</a> Exhibit A - P. Barber Email to the Court, # <a href="#">2</a> Exhibit B - E. Limehouse Email to the Court, # <a href="#">3</a> Exhibit C - Beach v. Murdaugh Order, dated Sep 19, 2023)(Barber, Phillip) (Entered: 09/26/2023)
09/27/2023	45	<b>TEXT ORDER: Defendant has moved for the United States District Court to immediately execute on assets presently held by the state appointed co-receivers of Defendant's assets. (Dkt. No. 43). The Government is directed to file a response on or before 10/4/23. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 9/27/23.(lta, ) (Entered: 09/27/2023)</b>



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10/04/2023	<a href="#">46</a>	RESPONSE in Opposition by USA as to Richard Alexander Murdaugh re <a href="#">43</a> MOTION for Immediate Seizure of Defendant's Assets (Attachments: # <a href="#">1</a> Exhibit Murdaugh Power of Attorney, # <a href="#">2</a> Exhibit Form 4, # <a href="#">3</a> Exhibit Order Granting Temporary Injunction and Appointing Co-Receivers and Counsel, # <a href="#">4</a> Exhibit Accounting, # <a href="#">5</a> Exhibit Email, # <a href="#">6</a> Exhibit RAM Waiver, # <a href="#">7</a> Exhibit Order Approving Process, # <a href="#">8</a> Exhibit Lay and McCoy Affidavit, # <a href="#">9</a> Exhibit Tollison Affidavit)(Limehouse, Emily) (Entered: 10/04/2023)
10/10/2023	<a href="#">47</a>	Consent MOTION for Leave to File Excess Pages by Richard Alexander Murdaugh. No proposed order(Barber, Phillip) (Entered: 10/10/2023)
10/10/2023	<a href="#">48</a>	REPLY TO RESPONSE to Motion by Richard Alexander Murdaugh re <a href="#">43</a> MOTION for Immediate Seizure of Defendant's Assets (Barber, Phillip) (Entered: 10/10/2023)
10/11/2023	<a href="#">49</a>	<b>TEXT ORDER granting <a href="#">47</a> Motion for Leave to File Excess Pages as to Richard Alexander Murdaugh (1). AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 10/11/23.(ltap, )</b> (Entered: 10/11/2023)
10/13/2023	<a href="#">50</a>	MOTION for Leave to File <i>Sur-Reply in Opposition to Defendant's Motion for Immediate Seizure</i> by USA as to Richard Alexander Murdaugh. Proposed order is being emailed to chambers with copy to opposing counsel (Attachments: # <a href="#">1</a> Exhibit 1 Gov't's Sur-Reply) (Limehouse, Emily) (Entered: 10/13/2023)
10/16/2023	<a href="#">51</a>	<b>TEXT ORDER: For good cause shown, the Court grants the Government's motion to file a sur-reply brief. (Dkt. No. 50). AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 10/16/23.(ltap, )</b> (Entered: 10/16/2023)
10/16/2023	<a href="#">52</a>	SUR REPLY BRIEF by USA as to Richard Alexander Murdaugh re <a href="#">43</a> MOTION for Immediate Seizure of Defendant's Assets , <a href="#">50</a> MOTION for Leave to File <i>Sur-Reply in Opposition to Defendant's Motion for Immediate Seizure</i> (Limehouse, Emily) (Entered: 10/16/2023)
10/17/2023	<a href="#">53</a>	<b>ORDER denying <a href="#">43</a> Motion (1) demanding the immediate federal court seizure of the funds in the possession of the state receivers as to Richard Alexander Murdaugh. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 10/17/23. (cper, )</b> (Entered: 10/17/2023)
01/09/2024	<a href="#">54</a>	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Richard Alexander Murdaugh for March 4, 2024 - March 8, 2024 (Stoughton, Kathleen) (Entered: 01/09/2024)
01/09/2024	<a href="#">55</a>	<b>TEXT ORDER as to Richard Alexander Murdaugh re <a href="#">54</a> Notice of Request for Protection from Court Appearance. Counsel should please know the protection request is duly noted and taken under advisement. Entered at the Direction of Honorable Richard M Gergel on 1/9/24.(cper, )</b> (Entered: 01/09/2024)
01/24/2024	<a href="#">56</a>	Letter as to Richard Alexander Murdaugh in re: ECF No. 54,55 Notice of Request for Protection and Order (Stoughton, Kathleen) (Entered: 01/24/2024)
02/02/2024	<a href="#">57</a>	MOTION for Extension of Time to <i>File Objections to Pre-Sentence Report</i> by Richard Alexander Murdaugh. No proposed order(Griffin, James) (Entered: 02/02/2024)
02/02/2024	<a href="#">58</a>	<b>TEXT ORDER granting <a href="#">57</a> Motion for Extension of Time until March 6, 2024 to File Objections to PSR as to Richard Alexander Murdaugh (1). AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 2/2/24. (ltap, )</b> (Entered: 02/02/2024)
02/29/2024	<a href="#">59</a>	MOTION for Protective Order by USA as to Richard Alexander Murdaugh. Proposed order is being emailed to chambers with copy to opposing counsel(Limehouse, Emily)



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		(Entered: 02/29/2024)
03/08/2024	<a href="#">60</a>	NOTICE OF REQUEST FOR PROTECTION from Court Appearance as to Richard Alexander Murdaugh for 04/04/2024-04/12/2024 (Harpoottian, Richard) (Entered: 03/08/2024)
03/11/2024	61	<b>TEXT ORDER as to Richard Alexander Murdaugh re <a href="#">60</a> Notice of Request for Protection from Court Appearance. Counsel should please know the protection request is duly noted and taken under advisement. Entered at the Direction of Honorable Richard M Gergel on 3/11/24.(cper, )</b> (Entered: 03/11/2024)
03/14/2024	63	NOTICE OF HEARING as to Richard Alexander Murdaugh: Sentencing set for 4/1/2024 10:00 AM in Charleston Courtroom #1, J. Waties Waring Judicial Center, 83 Meeting St, Charleston before Honorable Richard M Gergel. (cper, ) (Entered: 03/14/2024)
03/15/2024	64	<b>TEXT ORDER and NOTICE as to Richard Alexander Murdaugh: Notice is hereby given that the Court may consider at the time of sentencing an upward variance from the proposed guideline range set forth in the Presentence Report. (Dkt. No. 62). AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 3/15/24.(ltp, )</b> (Entered: 03/15/2024)
03/26/2024	<a href="#">65</a>	MOTION To Hold Defendant in Breach of Plea Agreement by USA as to Richard Alexander Murdaugh. No proposed order(Limehouse, Emily) (Entered: 03/26/2024)
03/26/2024	<a href="#">66</a>	MOTION to Seal <i>Exhibits</i> by USA as to Richard Alexander Murdaugh. No proposed order(Limehouse, Emily) (Entered: 03/26/2024)
03/27/2024	67	<b>TEXT ORDER as to Richard Alexander Murdaugh: The Government has moved to seal three interview reports of the Defendant with the FBI and a report of the results of the Defendants polygraph examination filed in conjunction with a motion to hold Defendant in breach of his plea agreement. (Dkt. No. 65, 66). Defendant may file a response to the motion to seal on or before 4:00 p.m. on 3/28/24. AND IT IS SO ORDERED. Entered at the direction of Honorable Richard M Gergel on 3/27/24. (cper, )</b> (Entered: 03/27/2024)
03/28/2024	<a href="#">69</a>	RESPONSE in Opposition by Richard Alexander Murdaugh re <a href="#">65</a> MOTION To Hold Defendant in Breach of Plea Agreement <i>and Sentencing Memorandum</i> (Attachments: # <a href="#">1</a> Exhibit A-States Response to Motion to Compel (State v Murdaugh))(Griffin, James) (Entered: 03/28/2024)
03/28/2024	<a href="#">70</a>	RESPONSE in Opposition by Richard Alexander Murdaugh re <a href="#">66</a> MOTION to Seal <i>Exhibits</i> (Griffin, James) (Entered: 03/28/2024)
03/28/2024	<a href="#">71</a>	SENTENCING MEMORANDUM by USA as to Richard Alexander Murdaugh (Attachments: # <a href="#">1</a> Exhibit SCDC Conviction Summary)(Limehouse, Emily) (Entered: 03/28/2024)
03/28/2024	72	DELETION OF DOCKET ENTRY NUMBER 68 as to Richard Alexander Murdaugh Reason: Filing user refiled document. Corrected Filing Document Number <a href="#">70</a> Original filing date: 03/28/2024 (cper, ) (Entered: 03/28/2024)
03/28/2024	<a href="#">73</a>	<b>ORDER as to Richard Alexander Murdaugh re: the Government's motion to seal certain documents submitted to the Court in support of the Government's Motion to Hold Defendant in Breach of Plea Agreement. (Dkt. No. 66). By 5:00 p.m. on March 29, 2024, the Court directs the Government to file, under seal, a redacted version of the five documents in question that protects the integrity and confidentiality of its ongoing investigation, if that is reasonably possible. Details set forth in order. AND IT</b>

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		<b>IS SO ORDERED. Signed by Honorable Richard M Gergel on 3/28/24.(cper, )</b> (Entered: 03/28/2024)
03/29/2024	<a href="#">74</a>	RESPONSE in Support by USA as to Richard Alexander Murdaugh re <a href="#">65</a> MOTION To Hold Defendant in Breach of Plea Agreement (Attachments: # <a href="#">1</a> Exhibit 1- US v. Burrus Breach Order (MGL))(Stoughton, Kathleen) (Entered: 03/29/2024)
03/29/2024	<a href="#">75</a>	Sealed Document in re document <a href="#">73</a> (Attachments: # <a href="#">1</a> Exhibit 1- Polygraph Examination Report, # <a href="#">2</a> Exhibit 2- May 4, 2023 Interview Report, # <a href="#">3</a> Exhibit 3- June 7, 2023 Interview Report, # <a href="#">4</a> Exhibit 4- August 18, 2023 Interview Report, # <a href="#">5</a> Exhibit 5- October 18, 2023 Interview Report)(Stoughton, Kathleen) (Main Document 75 replaced on 4/2/2024 to correct case number as provided by filing user.) (cper, ). (Entered: 03/29/2024)
03/29/2024	<a href="#">76</a>	MOTION to Compel <i>Polygraph Examination Materials</i> by Richard Alexander Murdaugh. No proposed order(Harpootlian, Richard) (Entered: 03/29/2024)
04/01/2024	<a href="#">77</a>	<b>Minute Entry for proceedings held before Honorable Richard M Gergel: denied as moot <a href="#">65</a> Motion to hold Defendant in Breach of Plea Agreement (1), withdrawing <a href="#">76</a> Motion to Compel Polygraph Examination Materials; Sentencing held on 4/1/2024 as to Richard Alexander Murdaugh (1), Special Assessment: \$2200.00 Restitution: \$8,762,731.88. Court Reporter Lisa Smith. (cper, )</b> (Entered: 04/01/2024)
04/01/2024	<a href="#">78</a>	Government's Sentencing Exhibit: Restitution Chart as to Richard Alexander Murdaugh. (cper, ) (Entered: 04/01/2024)
04/01/2024	<a href="#">79</a>	COURT EXHIBIT as to Richard Alexander Murdaugh. Beaufort County Plea Offer and Agreement. (cper, ) (Entered: 04/01/2024)
04/01/2024	<a href="#">80</a>	<b>JUDGMENT as to Richard Alexander Murdaugh (1), Count(s) 1-22, The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of four hundred eighty (480) months. Said term consists of 360 months as to Counts One, Two, Three and Four, to run concurrently to one another and concurrently as to all other counts; 240 months as to Counts Five, Six, Seven, Eight, to run concurrently to one another and concurrently as to all other counts; and 120 months as to Counts Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-One, and Twenty-Two, to run concurrently to one another and consecutively as to all other counts. These terms shall run concurrently to the remainder of the undischarged state terms of imprisonment for the South Carolina General Sessions Court docket numbers referenced in Paragraph 189 of the presentence report, which were considered relevant conduct to the instant offenses of conviction, pursuant to USSG § 5G1.3(b) (2). Furthermore, these terms shall run concurrently to the prior undischarged state terms of imprisonment for the South Carolina General Sessions Court docket numbers referenced in Paragraph 190 of the presentence report, which were not considered relevant conduct to the instant offenses of conviction, pursuant to USSG § 5G1.3(d). The defendant shall pay a \$2,200.00 special assessment fee and restitution in the amount of \$8,762,731.88, both due beginning immediately. Restitution in the amount of \$102,221.90 is ordered jointly and severally with codefendant Cory Fleming under Dkt. #9:23-CR-00394; and Restitution in the amount of \$1,414,826.54 is ordered jointly and severally with codefendant Russell Laffitte under Dkt. #9:22-CR-00658. The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years; consisting of 5 years as to Counts One through Four and Eight, and 3 years as to Counts Five, Six, Seven, and Nine through Twenty-Two, said terms to run concurrently. While on supervised release, the defendant shall comply with the mandatory and standard conditions of supervision and the following special conditions. 1. You must not incur new credit charges, or open additional lines of credit</b>

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		<p>without the approval of the probation officer. 2. You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office. 3. You must pay any remaining unpaid restitution balance imposed by the Court in minimum monthly installments of \$250.00 to commence 30 days after release from custody to Clerk, U.S. District Court, 85 Broad Street, Charleston, SC. Payments shall be adjusted accordingly, based upon your ability to pay as determined by the Court. 4. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must contribute to the cost of such program not to exceed the amount determined reasonable by the Court approved U.S. Probation Office's "Sliding Scale for Services," and you will cooperate in securing any applicable third-party payment, such as insurance or Medicaid. The defendant shall forfeit the defendant's interest in the following property to the United States as directed in the Preliminary Order of Forfeiture, filed 9-22-2023 and the said order is incorporated herein as part of this judgment. Signed by Honorable Richard M Gergel on 4/1/24. (Attachments: # <u>1</u> Forfeiture Order)(cper, ) (Entered: 04/01/2024)</p>
04/01/2024	<a href="#">81</a>	STATEMENT OF REASONS (Sealed) as to Richard Alexander Murdaugh (cper, ) (Entered: 04/01/2024)
04/03/2024	<a href="#">83</a>	MOTION for Forfeiture of Property by USA as to Richard Alexander Murdaugh. Proposed order is being emailed to chambers with copy to opposing counsel(Sherard, Carrie) (Entered: 04/03/2024)
04/04/2024	<a href="#">84</a>	<b>AMENDED PRELIMINARY ORDER OF FORFEITURE granting <a href="#">83</a> Motion for Forfeiture of Property as to Richard Alexander Murdaugh (1). Signed by Honorable Richard M Gergel on 4/4/24.(cper, )</b> (Entered: 04/04/2024)
04/15/2024	<a href="#">85</a>	NOTICE OF APPEAL OF FINAL JUDGMENT by Richard Alexander Murdaugh re <a href="#">80</a> Judgment,,,,,,,,,,,,,, - Filing fee \$ 605, receipt number CSCDC-11709494. The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov. If applicable, the original CJA 24 form must be sent to the clerk's office upon filing of the Transcript Order form. (Griffin, James) (Entered: 04/15/2024)
04/16/2024	<a href="#">87</a>	Transmittal Sheet for Notice of Appeal to USCA as to Richard Alexander Murdaugh to US Court of Appeals re <a href="#">85</a> Notice of Appeal - Final Judgment, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (cper, ) (Entered: 04/16/2024)
05/07/2024	<a href="#">89</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Richard Alexander Murdaugh. Sentencing for dates of 4/1/2024 before Judge Richard M. Gergel, re <a href="#">85</a> Notice of Appeal - Final Judgment, Court Reporter/Transcriber Lisa D. Smith, Telephone number/E-Mail lisa_smith@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. <b><i>Does this satisfy all appellate orders for this reporter? Y</i></b>  Redaction Request due 5/28/2024. Redacted Transcript Deadline set for 6/7/2024. Release of Transcript Restriction set for 8/5/2024. (Ismi, ) (Entered: 05/07/2024)
05/14/2024	<a href="#">90</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Richard Alexander Murdaugh. Plea for dates of 9/21/2023 before Judge Richard M. Gergel, re <a href="#">85</a> Notice of Appeal - Final Judgment, Court Reporter/Transcriber Lisa D. Smith, Telephone

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number/E-Mail lisa\_smith@scd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction. *Does this satisfy all appellate orders for this reporter? Y*

Redaction Request due 6/4/2024. Redacted Transcript Deadline set for 6/14/2024. Release of Transcript Restriction set for 8/12/2024. (lsmi, ) (Entered: 05/14/2024)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
07/01/2024 14:39:01			
<b>PACER Login:</b>	JimG1297	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	9:23-cr-00396-RMG
<b>Billable Pages:</b>	8	<b>Cost:</b>	0.80

COURTESY OF  
LUNA SHARK MEDIA



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

	)	CRIMINAL NO. <u>9:23 cr 396</u>
	)	
UNITED STATES OF AMERICA	)	18 U.S.C. § 2
	)	18 U.S.C. § 1343
	)	18 U.S.C. § 1344
vs.	)	18 U.S.C. § 1349
	)	18 U.S.C. § 1956
	)	18 U.S.C. § 981(a)(1)(A)
RICHARD ALEXANDER MURDAUGH	)	18 U.S.C. § 981(a)(1)(C)
	)	18 U.S.C. § 982(a)(1)
	)	18 U.S.C. § 982(a)(2)
	)	28 U.S.C. § 2461(c)
	)	
	)	<b>SEALED INDICTMENT</b>

**THE GRAND JURY CHARGES THAT:**

**RECEIVED**

At all times relevant to this Indictment: **MAY 23 2023**

Background on the Scheme to Defraud through Palmetto State Bank FLORENCE, S.C.

1. The Defendant, RICHARD ALEXANDER MURDAUGH, was a personal injury attorney with the "Law Firm," located in Hampton, South Carolina. As a personal injury attorney, RICHARD ALEXANDER MURDAUGH represented individuals in civil claims following injury, death, and other loss.
2. Palmetto State Bank ("PSB"), headquartered in Hampton, South Carolina, is a financial institution, as defined by Title 18, United States Code, Section 20, with deposits insured by the Federal Deposit Insurance Corporation ("FDIC").
3. Russell Lucius Laffitte<sup>1</sup> began working at PSB in 1997. He served as a bank teller

<sup>1</sup> Russell Lucius Laffitte was convicted of multiple related charges in November 2022 and is awaiting sentencing.

and loan officer until he became the Executive Vice President and Chief Operating Officer in 2015. In 2020, Russell Lucius Laffitte became the Chief Executive Officer of PSB. Russell Lucius Laffitte also served on PSB's Executive Committee, responsible for reviewing and approving large loan applications, as well as on its Board of Directors. In early 2022, PSB terminated Russell Lucius Laffitte's employment. At all times relevant to this Indictment, Russell Lucius Laffitte served as an officer, director, agent, or employee of an FDIC-insured financial institution, as defined under Title 18. As both a director and an executive officer, Russell Lucius Laffitte was responsible for managing PSB's Hampton Branch, including its day-to-day operations, and keeping members of PSB's Executive Committee and Board of Directors informed about PSB's financial condition.

4. RICHARD ALEXANDER MURDAUGH, the Law Firm, and the Law Firm's other law partners maintained bank accounts at PSB and were long-time clients of the bank.

5. Given RICHARD ALEXANDER MURDAUGH'S long-standing relationship with PSB and Russell Lucius Laffitte's role as manager of the Hampton branch, RICHARD ALEXANDER MURDAUGH and Russell Lucius Laffitte established a close "professional" relationship. Russell Lucius Laffitte served as RICHARD ALEXANDER MURDAUGH'S primary point of contact at PSB. He handled nearly all of RICHARD ALEXANDER MURDAUGH'S banking needs, including negotiating checks and extending loans.

6. RICHARD ALEXANDER MURDAUGH and the Law Firm asked Russell Lucius Laffitte to serve as personal representative and conservator for various personal injury clients of the Law Firm, including A.P., H.P., N.T., H.P.Y., M.W., and the Estate of D.B.,<sup>2</sup> persons known

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<sup>2</sup> A.B., a beneficiary of the Estate of D.B. and a person known to the Grand Jury, and the Estate of D.B. both obtained settlements following civil lawsuits. A.B., the Estate of D.B., and/or the



to the Grand Jury, most of whom were RICHARD ALEXANDER MURDAUGH'S clients. Russell Lucius Laffitte served as conservator for A.P., H.P., N.T., H.P.Y., and M.W., persons known to the Grand Jury. Russell Lucius Laffitte also served as personal representative for the Estate of D.B., another person known to the Grand Jury. Russell Lucius Laffitte collected more than \$350,000.00 in fees as personal representative and conservator for A.P., H.P., N.T., H.P.Y., and the Estate of D.B., RICHARD ALEXANDER MURDAUGH'S personal injury clients.

The Scheme to Defraud through PSB

7. The Defendant, RICHARD ALEXANDER MURDAUGH, and his coconspirator, Russell Lucius Laffitte, knowingly and intentionally devised a scheme and artifice to obtain money and property from RICHARD ALEXANDER MURDAUGH'S personal injury clients.

8. From in or around July 2011 through a date unknown to the Grand Jury, but up to at least October 2021, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, and his coconspirator, Russell Lucius Laffitte, knowingly and intentionally combined, conspired, confederated, agreed and had tacit understanding with others, both known and unknown, and engaged in a scheme, plan, and artifice to defraud and to obtain money and property from RICHARD ALEXANDER MURDAUGH'S personal injury clients, by means of materially false and fraudulent pretenses, representations, and promises, by making false and misleading statements, and omitting facts necessary to make the statements truthful and not misleading.

9. The Defendant, RICHARD ALEXANDER MURDAUGH, or members of the conspiracy, by means of false and fraudulent pretenses, made materially false and misleading

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Estate's beneficiaries will be referred to collectively as the "Estate of D.B." throughout this Indictment.

statements and representations and did omit material information in an effort to obtain money and property from RICHARD ALEXANDER MURDAUGH'S personal injury clients and the Law Firm, money which was owed by and in the care, custody, and control of PSB.

10. As part of the scheme, and in an effort to hide the source and destination of the settlement funds, RICHARD ALEXANDER MURDAUGH directed Law Firm employees to make settlement checks payable to "Palmetto State Bank." RICHARD ALEXANDER MURDAUGH then delivered, or caused to be delivered, the checks to Russell Lucius Laffitte.

11. Thereafter, Russell Lucius Laffitte used his position as director and employee of PSB, while serving as the personal representative and conservator for the personal injury clients, to obtain money in the care, custody, and control of the bank, belonging to the personal injury clients. RICHARD ALEXANDER MURDAUGH directed Russell Lucius Laffitte to use the settlement funds for RICHARD ALEXANDER MURDAUGH'S personal benefit, including using the proceeds to pay off personal loans and for personal expenses and cash withdrawals, as further set forth below.

12. To further the scheme, various members of the conspiracy at various times and places took the following actions:

H.P. and A.P.

- a. RICHARD ALEXANDER MURDAUGH requested that Russell Lucius Laffitte serve as conservator for his personal injury clients, A.P. and H.P., who received funds following settlements of civil lawsuits. As conservator, Russell Lucius Laffitte maintained bank accounts at PSB for the conservatorships. Russell Lucius Laffitte collected approximately \$140,441.00 in conservator fees from A.P. and approximately \$113,314.00 in conservator fees from H.P.

- b. While serving as conservator for H.P., beginning on July 18, 2011, Russell Lucius Laffitte extended ten loans from the conservatorship accounts to himself, totaling \$355,000.00. Russell Lucius Laffitte never sought approval from the probate court to extend these loans, he never notified the Law Firm of the loans, and he never notified H.P. of the loans. Russell Lucius Laffitte used his conservatorship and personal representative fees from other personal injury clients to pay off some of the loans. When H.P. turned eighteen years old, Russell Lucius Laffitte had to pay back the entirety of the loans. Russell Lucius Laffitte credited his fees for serving as H.P.'s conservator to reduce the amount owed on the loans. He then received a \$245,000.00 private loan from a third party to pay back the loans to H.P. in full. Russell Lucius Laffitte is still paying off the private loan from the third party.
- c. While serving as conservator for H.P., Russell Lucius Laffitte extended sixteen unsecured loans to RICHARD ALEXANDER MURDAUGH, totaling \$963,500.00, from H.P.'s conservatorship account.
- d. Russell Lucius Laffitte extended the first loan to RICHARD ALEXANDER MURDAUGH from H.P.'s conservatorship account on September 14, 2011. At the time, RICHARD ALEXANDER MURDAUGH was overdrawn on his personal checking account at PSB. Russell Lucius Laffitte transferred the loaned funds from H.P.'s conservatorship account into RICHARD ALEXANDER MURDAUGH'S personal checking account to cover the overdraft. Thereafter, Russell Lucius Laffitte continued to extend RICHARD ALEXANDER MURDAUGH hundreds of thousands of dollars in unsecured loans, transferring the loaned funds into RICHARD ALEXANDER MURDAUGH'S personal checking accounts. Russell Lucius Laffitte



often transferred funds from H.P.'s conservatorship account when RICHARD ALEXANDER MURDAUGH was overdrawn on his personal checking accounts, often by tens of thousands of dollars. Russell Lucius Laffitte extended loans to cover RICHARD ALEXANDER MURDAUGH'S overdrawn personal checking accounts.

- e. Russell Lucius Laffitte never sought permission from the probate court to extend these loans and never notified H.P. of the loans. Russell Lucius Laffitte never submitted a Petition for Expenditures or Order Allowing Purchases to the probate court for approval of the loans.
- f. RICHARD ALEXANDER MURDAUGH used funds stolen from other personal injury clients to pay back the loans to H.P. RICHARD ALEXANDER MURDAUGH presented Russell Lucius Laffitte with checks representing funds from the Estate of D.B, N.T., and H.P.Y., persons known to the Grand Jury, disbursed following settlements of civil lawsuits. All of these checks referenced the client on the memo line. Russell Lucius Laffitte negotiated and distributed all of the checks from funds RICHARD ALEXANDER MURDAUGH stole to repay RICHARD ALEXANDER MURDAUGH'S loans from H.P. After RICHARD ALEXANDER MURDAUGH presented the disbursement checks, Russell Lucius Laffitte transferred the funds into H.P.'s conservator account, totaling more than \$650,000.00.
- g. When H.P. turned eighteen and RICHARD ALEXANDER MURDAUGH had to pay off the remainder of the loans from H.P.'s conservatorship account, Russell Lucius Laffitte extended a \$500,000 line of credit to RICHARD ALEXANDER MURDAUGH, for purposes of "farming." Thereafter, Russell Lucius Laffitte issued a cashier's check from the line of credit totaling \$284,787.52, equal to the outstanding

balance owed to H.P. by RICHARD ALEXANDER MURDAUGH. RICHARD ALEXANDER MURDAUGH then used those funds to pay off the remainder of the loan balance.

A.B. and the Estate of D.B.

- h. RICHARD ALEXANDER MURDAUGH requested that Russell Lucius Laffitte serve as personal representative for the Estate of D.B. Russell Lucius Laffitte collected \$35,000 for his role as personal representative, although he did not manage any money for the Estate of D.B. and had very limited interaction with the beneficiaries of the Estate.
- i. Following the settlement of a civil lawsuit for the Estate of D.B., the Law Firm issued one large check for \$1,325,000.00 to PSB to fund a structured settlement. RICHARD ALEXANDER MURDAUGH directed Russell Lucius Laffitte to email him and request that the Law Firm re-cut the check in amounts determined by RICHARD ALEXANDER MURDAUGH. Russell Lucius Laffitte complied with RICHARD ALEXANDER MURDAUGH'S request and sent him a separate email requesting that the disbursement check be re-cut accordingly. RICHARD ALEXANDER MURDAUGH then forwarded Russell Lucius Laffitte's email to the Law Firm's employees, and the check was thereafter divided.
- j. Russell Lucius Laffitte then negotiated and distributed the checks at RICHARD ALEXANDER MURDAUGH'S direction and for his personal benefit, including:
  - i. \$388,687.50 money order to a third-party individual to repay a private loan;
  - ii. \$482,124.35 transfer to H.P.'s account to repay loans Russell Lucius Laffitte extended RICHARD ALEXANDER MURDAUGH as conservator for H.P.;
  - iii. \$75,000.00 money order to RICHARD ALEXANDER MURDAUGH'S father;

- iv. \$7,500.00 money order to RICHARD ALEXANDER MURDAUGH'S wife;
- v. \$34,000.00 wire transfer to 4M Iron LLC;
- vi. \$8,200.00 money order to another individual associated with RICHARD ALEXANDER MURDAUGH;
- vii. \$29,000.00 money order to Honey Creek Motors;
- viii. \$49,500.00 wire transfer to Southern Crane; and
- ix. \$250,988.15 in deposits and transfers into RICHARD ALEXANDER MURDAUGH'S personal checking accounts and cash back.

The memo lines of each check issued from the Law Firm to PSB referenced the Estate of D.B., individuals to whom Russell Lucius Laffitte owed a duty as personal representative for the Estate of D.B.

- k. On October 28, 2021, Russell Lucius Laffitte wrote a check for \$680,000.00 to the Law Firm for his role in negotiating the checks from the Estate of D.B. settlement, an amount representing half of the loss sustained by the Estate of D.B. Russell Lucius Laffitte initiated the payment without consultation with, approval from, or notice to the PSB Board of Directors. Russell Lucius Laffitte also concealed his involvement in negotiating the disbursement checks from the Estate of D.B. settlement and distributing them at RICHARD ALEXANDER MURDAUGH'S direction.

M.W.

- l. The Law Firm requested that Russell Lucius Laffitte serve as conservator for M.W., a person known to the Grand Jury. Russell Lucius Laffitte collected a \$3,025.96 fee as conservator. Russell Lucius Laffitte extended a \$40,000.00 unsecured loan to RICHARD ALEXANDER MURDAUGH from M.W.'s conservatorship account. Russell Lucius Laffitte did not seek permission from the probate court to extend this



loan, nor did he notify M.W. of the loan. Russell Lucius Laffitte never submitted a Petition for Expenditures or Order Allowing Purchases to the probate court for approval of the loan.

- m. RICHARD ALEXANDER MURDAUGH used funds stolen from another client to repay M.W. Russell Lucius Laffitte negotiated a bank money order from the client's stolen funds, referencing the client's name, to pay off the loan to M.W.

N.T. and H.P.Y.

- n. RICHARD ALEXANDER MURDAUGH requested that Russell Lucius Laffitte serve as conservator for H.P.Y. and N.T. Despite a multi-million-dollar settlement, none of the funds went through the conservatorship accounts, and Russell Lucius Laffitte never managed any money.
- o. In his role as conservator for H.P.Y. and N.T., Russell Lucius Laffitte signed disbursement sheets indicating that PSB would receive disbursements in the amount of \$309,581.46 and \$325,000.00 for the conservatorship accounts of H.P.Y. and N.T., respectively. RICHARD ALEXANDER MURDAUGH directed Law Firm employees to issue the settlement checks made payable to PSB then delivered, or caused to be delivered, the checks to Russell Lucius Laffitte. The checks issued pursuant to the disbursements referenced H.P.Y. and N.T. on the memo lines, individuals to whom Russell Lucius Laffitte owed a duty as their conservator.
- p. Upon receipt of the disbursement checks, rather than distributing the funds into H.P.Y. and N.T.'s conservatorship accounts, Russell Lucius Laffitte negotiated and distributed the funds at RICHARD ALEXANDER MURDAUGH'S direction and for RICHARD ALEXANDER MURDAUGH'S personal benefit, as follows:

- i. \$10,000.00 deposit made to RICHARD ALEXANDER MURDAUGH'S wife's account;
  - ii. \$9,500.00 money order;
  - iii. \$920.29 principal payment to a loan regarding RICHARD ALEXANDER MURDAUGH'S boat;
  - iv. \$3,137.30 interest payment of loan for RICHARD ALEXANDER MURDAUGH'S boat;
  - v. \$100,000.00 money order to Russell Lucius Laffitte's father to pay off personal loan;
  - vi. \$50,135.61 money order to H.P.'s conservatorship account to repay loans Russell Lucius Laffitte extended RICHARD ALEXANDER MURDAUGH as conservator for H.P.;
  - vii. \$91,220.57 money order to H.P.'s conservatorship account to repay loans Russell Lucius Laffitte extended RICHARD ALEXANDER MURDAUGH as conservator for H.P.;
  - viii. \$329,500.00 money order to RICHARD ALEXANDER MURDAUGH'S father; and
  - ix. \$40,167.69 money order to M.W. to repay loans Russell Lucius Laffitte extended RICHARD ALEXANDER MURDAUGH as conservator for M.W.
- q. N.T. received additional settlement funds totaling \$25,245.08. RICHARD ALEXANDER MURDAUGH presented the additional settlement check to Russell Lucius Laffitte to withdraw cash and Russell Lucius Laffitte structured the transactions below \$10,000.00. RICHARD ALEXANDER MURDAUGH directed Russell Lucius Laffitte to negotiate the settlement funds as follows:
- i. \$9,000.00 cashed out by an unknown person;
  - ii. \$9,000.00 bank money order cashed by unknown person; and
  - iii. \$7,245.08 money order cashed by unknown person.
- r. Russell Lucius Laffitte collected a \$60,000.00 fee as conservator for H.P.Y. and a

\$15,000.00 fee as conservator for N.T. Russell Lucius Laffitte used a portion of his fees to pay off some of the personal loans he extended himself from H.P.'s conservatorship account.

**COUNT 1**

**Conspiracy to Commit Wire Fraud and Bank Fraud, 18 U.S.C. § 1349**

13. The allegations contained in paragraphs 1 through 12, including all subparts, are incorporated by reference as if set forth fully herein.

14. From a time beginning no later than July 2011, and continuing until at least October 2021, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, and his coconspirator Russell Lucius Laffitte, and others, knowingly and intentionally combined, conspired and agreed to:

- a. knowingly devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and transmit and cause to be transmitted by means of wire, radio, or television communication in interstate commerce, writings, signals, pictures or sounds for the purpose of executing the scheme and artifice, affecting a financial institution, in violation of Title 18, United States Code, Section 1343; and
- b. knowingly execute and attempt to execute a scheme and artifice to obtain property held by PSB, a financial institution insured by the FDIC, and obtain the moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of PSB, by means of materially false and fraudulent pretenses, representations and promises and failing to disclose material information and fraudulently concealing material information, in violation of Title 18, United States Code, Section 1344(2).



Object of the Conspiracy

15. The object of the conspiracy was for the Defendant, RICHARD ALEXANDER MURDAUGH, and his coconspirator Russell Lucius Laffitte to obtain money and property from RICHARD ALEXANDER MURDAUGH'S personal injury clients by means of false and fraudulent pretenses, representations, and promises.

Overt Acts in Furtherance of Conspiracy

16. In furtherance of the conspiracy, the Defendant, RICHARD ALEXANDER MURDAUGH, committed the following overt acts in furtherance of the conspiracy:

- a. On or about December 21, 2011, the Defendant, RICHARD ALEXANDER MURDAUGH, directed Russell Lucius Laffitte to negotiate and distribute, and caused to be negotiated and distributed, checks for \$309,581.46 and \$325,000.00, knowing that the funds belonged to H.P.Y. and N.T.;
- b. On or about August 29, 2012, and continuing through September 4, 2012, the Defendant, RICHARD ALEXANDER MURDAUGH, directed Russell Lucius Laffitte to negotiate and distribute, and caused to be negotiated and distributed, a check for \$25,245.08, knowing that the funds belonged to N.T.;
- c. On or about February 8, 2013 and March 5, 2013, the Defendant, RICHARD ALEXANDER MURDAUGH, directed Russell Lucius Laffitte to negotiate and distribute, and caused to be negotiated and distributed, \$388,687.50 to repay a private loan to a third-party, knowing that the money belonged to the Estate of D.B. and/or the Estate's beneficiaries;

All in violation of Title 18, United States Code, Section 1349.

**COUNT 2**  
**Bank Fraud, 18 U.S.C. § 1344(2)**

**THE GRAND JURY FURTHER CHARGES THAT:**

17. The allegations contained in paragraphs 1 through 12, including all subparts, are incorporated by reference as if fully set forth herein.

18. On or about September 13, 2013, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, with Russell Lucius Laffitte, knowingly executed and attempted to execute a scheme and artifice to obtain money and funds under the custody and control of PSB, an FDIC-insured financial institution, by means of false and fraudulent pretenses, representations and promises, by negotiating and distributing a check totaling \$50,684.75, transferring and causing to be transferred \$49,500 to Southern Crane on October 28, 2013 and the remainder in cash back on October 29, 2013, knowing that the funds belonged to the Estate of D.B.;

In violation of Title 18, United States Code, Sections 1344(2) and 2.

**COUNT 3**  
**Wire Fraud, 18 U.S.C. § 1343**

**THE GRAND JURY FURTHER CHARGES THAT:**

19. The allegations contained in paragraphs 1 through 12, including all subparts, are incorporated by reference as if fully set forth herein.

20. On or about May 12, 2014, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, having devised a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire in interstate commerce, writings, signs, and signals, for the purpose of executing such a scheme and artifice, in that he

obtained \$50,684.75 from the Law Firm, belonging to the Estate of D.B., and distributed the same into his revolving Bank of America credit account on or about May 13, 2014, affecting a financial institution;

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT 4**  
**Wire Fraud, 18 U.S.C. § 1343**

**THE GRAND JURY FURTHER CHARGES THAT:**

21. The allegations contained in paragraphs 1 through 12, including all subparts, are incorporated by reference as if fully set forth herein.

22. On or about May 12, 2014, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, having devised a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire in interstate commerce, writings, signs, and signals, for the purpose of executing such a scheme and artifice, in that he obtained \$101,369.49 from the Law Firm, belonging to the Estate of D.B., and distributed the same into his Bank of America revolving credit account on June 25, 2014, affecting a financial institution;

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNTS 5-7**  
**Wire Fraud, 18 U.S.C. § 1343**

**THE GRAND JURY FURTHER CHARGES THAT:**

23. The allegations contained in paragraphs 1 through 12 and 29 through 34, including all subparts, are incorporated by reference as if fully set forth herein.

24. Beginning at a time unknown to the Grand Jury but at least September 2005 and



continuing until at least September 2021, in the District of South Carolina and elsewhere, the Defendant, RICHARD ALEXANDER MURDAUGH, knowingly devised a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and during such period, knowingly transmitted and caused to be transmitted in interstate commerce, by means of wire communications, certain writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343.

Manner and Means of the Scheme and Artifice to Defraud

25. The Defendant, RICHARD ALEXANDER MURDAUGH, and his Law Firm obtained settlement funds following the resolution of his personal injury clients' civil claims. Thereafter, the overall recovery amount was distributed according to disbursement sheets, including to the Law Firm as attorney's fees, to lien holders, and to pay expenses associated with the litigation. Law Firm staff issued checks out of the Law Firm's trust account according to the distributions outlined on the disbursement sheets, at the direction of RICHARD ALEXANDER MURDAUGH.

26. As part of the scheme, the Defendant, RICHARD ALEXANDER MURDAUGH, by means of false and fraudulent pretenses, representations, and promises, routed and redirected clients' settlement funds so as to enrich himself personally, including by:

- a. Drafting, or directing Law Firm employees to draft, disbursement sheets to send settlement funds to Bank of America accounts owned and controlled by RICHARD ALEXANDER MURDAUGH without proper disclosure or client or Law Firm approval;
- b. Claiming funds held in the Law Firm's trust account for purposes of satisfying

liens on clients' settlement funds as attorney's fees and directing the disbursement of said funds for his benefit;

- c. Claiming and collecting attorney's fees on fake or nonexistent annuities;
- d. Creating fraudulent "expenses" that were never incurred on client matters and directing the disbursement of settlement funds to pay the cited costs, including claimed medical expenses, construction expenses, and airline expenses;
- e. Directing other attorneys with whom he was associated on client matters to disburse attorney's fees directly to him rather than appropriately routing any such fees through the Law Firm;
- f. Intercepting insurance proceeds intended for beneficiaries and depositing them directly into his personal account.

27. For the purposes of executing the scheme and artifice to defraud, the Defendant, RICHARD ALEXANDER MURDAUGH, knowingly transmitted and caused to be transmitted in interstate commerce, by means of wire communications, the following electronic signals:

Count	Date	Victim	Check Number	Amount
5	December 26, 2018	A.H.	55894	\$225,073.46
6	April 11, 2019	B.G.	56398	\$112,500.00
7	December 16, 2020	J.H.	3639	\$91,867.50

All in violation of Title 18, United States Code, Section 1343.

**COUNTS 8-22**

**THE GRAND JURY FURTHER CHARGES:**

At all times relevant to this Indictment:

28. The allegation contained in paragraph 1 is incorporated by reference as if fully set forth herein.

**Background on the Forge Scheme**

29. Forge Consulting, LLC, is a company which specializes in brokering structured insurance settlements. As a personal injury attorney, the Defendant, RICHARD ALEXANDER MURDAUGH, was familiar with Forge Consulting, LLC, and he utilized their services to manage his clients' structured settlements.

30. Bank of America is a financial institution, as defined by Title 18, United States Code, Section 20, with deposits insured by the Federal Deposit Insurance Corporation ("FDIC").

31. On September 22, 2015, RICHARD ALEXANDER MURDAUGH opened a bank account at Bank of America titled "Forge," but the bank account had no legitimate affiliation with Forge Consulting, LLC. RICHARD ALEXANDER MURDAUGH was the only authorized signer on the "fake Forge" account and was listed as the owner of the account on the signature card. RICHARD ALEXANDER MURDAUGH opened the "fake Forge" account as part of a scheme to defraud his clients and his Law Firm by transferring settlement checks directly into the "fake Forge" account, making it appear that the funds were being transferred into legitimate accounts run by Forge Consulting, LLC, as part of a structured settlement.

32. Beginning in May 2017 and continuing until July 2018, RICHARD ALEXANDER MURDAUGH used the "fake Forge" account to steal thousands of dollars in settlement funds from his personal injury clients. The first "fake Forge" account was force closed in July 2018 after being



overdrawn. After the first “fake Forge” account was force closed, RICHARD ALEXANDER MURDAUGH opened a second “fake Forge” account with Bank of America in August 2018. RICHARD ALEXANDER MURDAUGH was the only authorized signer on the account and was listed as the owner on the signature card. RICHARD ALEXANDER MURDAUGH continued to use the “fake Forge” account to steal millions of dollars from his personal injury clients and others.

33. From in or around May 2017 through a date unknown to the Grand Jury, but up to at least May 2021, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, knowingly and intentionally devised a scheme, plan, and artifice to defraud and obtain money from RICHARD ALEXANDER MURDAUGH’S personal injury clients, the Law Firm, and others, through the “fake Forge” accounts by means of materially false and fraudulent pretenses, representations, and promises, by making false and misleading statements, and omitting facts necessary to make the statements truthful and not misleading.

34. The Defendant, RICHARD ALEXANDER MURDAUGH, by means of false and fraudulent pretenses, made materially false and misleading statements and representations and did omit material information in an effort to obtain money and property from RICHARD ALEXANDER MURDAUGH’S personal injury clients, the Law Firm, and others. As part of the scheme, and in an effort to hide the source and destination of the settlement funds, RICHARD ALEXANDER MURDAUGH directed Law Firm employees and others to make settlement checks payable to “Forge.” RICHARD ALEXANDER MURDAUGH then delivered the checks to Bank of America. Thereafter, RICHARD ALEXANDER MURDAUGH made cash withdrawals, transferred the funds to another Bank of America account, paid his credit card, and purchased cashier’s checks.

The Estate of G.S. Scheme

35. "Attorney 2" is a former personal injury attorney who worked with his law firm in Beaufort, South Carolina (hereinafter "Beaufort Law Firm"). Attorney 2 and RICHARD ALEXANDER MURDAUGH were close friends.

36. On February 26, 2018, RICHARD ALEXANDER MURDAUGH'S housekeeper, G.S., a person known to the Grand Jury, died following what was reported as a slip and fall down the stairs of a home owned by RICHARD ALEXANDER MURDAUGH, caused by his dogs. RICHARD ALEXANDER MURDAUGH recommended that G.S.'s sons, T.S. and B.H., persons known to the Grand Jury (hereinafter "the Estate of G.S."), hire Attorney 2 to represent them and file a claim against RICHARD ALEXANDER MURDAUGH to collect from his homeowner's insurance policies.

37. Lloyd's of London ("Lloyd's") and Nautilus Insurance Group ("Nautilus") are both companies that offer property and casualty insurance. RICHARD ALEXANDER MURDAUGH had insurance coverage on his homeowner's policies from Lloyd's and Nautilus.

38. Based on RICHARD ALEXANDER MURDAUGH'S recommendation and at his direction, the Estate of G.S. retained Attorney 2 to file a claim against RICHARD ALEXANDER MURDAUGH'S homeowner's policies.

39. From in or around February 2018 through a date unknown to the Grand Jury, but up to at least October 2020, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, and Attorney 2 knowingly and intentionally combined, conspired, confederated, agreed and had a tacit understanding with others, both known and unknown, and engaged in a scheme, plan, and artifice to defraud the Estate of G.S., Nautilus, and Lloyd's, and to obtain money and property from the Estate of G.S., Nautilus, and Lloyd's, by means of materially



false and fraudulent pretenses, representations, and promises, by making false and misleading statements, and omitting facts necessary to make the statements truthful and not misleading. During such period, in the course of executing the scheme and artifice to defraud and to obtain money and property, the Defendant, RICHARD ALEXANDER MURDAUGH, and Attorney 2 did transmit and cause to be transmitted in interstate commerce, wire communications, including writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343, as fully set forth in paragraph 55 below.

40. As part of the scheme, and in an effort to hide the source and destination of the settlement funds, RICHARD ALEXANDER MURDAUGH directed Attorney 2 to make settlement checks payable to "Forge." RICHARD ALEXANDER MURDAUGH then deposited the checks into his "fake Forge" account at Bank of America and thereafter used the funds for his own personal enrichment.

41. As part of the scheme, in November 2018, RICHARD ALEXANDER MURDAUGH requested that a Vice President at PSB, a person known to the Grand Jury, serve as the personal representative of the Estate of G.S. Thereafter, at RICHARD ALEXANDER MURDAUGH'S direction, G.S.'s son renounced his duties as personal representative of the Estate of G.S. to allow the Vice President of PSB to serve as the personal representative.

42. On December 4, 2018, Lloyd's settled the claim for \$505,000.00. The settlement check was drafted to the personal representative of the Estate of G.S. and the Beaufort Law Firm.

43. On December 19, 2018, after the Lloyd's settlement and as part of the scheme to defraud, the Vice President at PSB was appointed to serve as the Estate of G.S.'s personal representative. The personal representative endorsed the \$505,000 settlement check to the Beaufort



Law Firm, giving Attorney 2 control over the funds.

44. On January 7, 2019, as part of the scheme, Attorney 2 submitted a fraudulent disbursement sheet to the circuit court outlining the disbursement of the settlement funds. The fraudulent disbursement sheet outlined \$11,500.00 in "Prosecution Expenses." However, there were no legitimate prosecution expenses.

45. On January 7, 2019, at RICHARD ALEXANDER MURDAUGH'S direction, Attorney 2 signed a check for \$403,500.00 of settlement funds from the Lloyd's settlement to the "fake Forge" account. RICHARD ALEXANDER MURDAUGH deposited the check into his "fake Forge" account on January 9, 2019.

46. In March 2019, following a mediation, Nautilus agreed to settle the Estate of G.S.'s claim for \$3,800,000.00. On April 18, 2019, Nautilus drafted a \$3,800,000.00 check to the personal representative of the Estate of G.S. and the Beaufort Law Firm. The personal representative endorsed the check to the Beaufort Law Firm, giving Attorney 2 control of the funds.

47. On May 13, 2019, as part of the scheme, Attorney 2 submitted a fraudulent disbursement sheet to the circuit court, attaching it to a Petition for Approval of Settlement. The disbursement sheet did not reflect the accurate distribution of the settlement funds. The disbursement sheet fraudulently outlined the disbursement of \$1,435,000.00 in attorney's fees and \$2,765,000.00 to the Estate of G.S. However, Attorney 2 collected approximately \$672,595.85 in attorney's fees, less than half of the attorney's fees he reported to the circuit court. The remaining amount, itemized as attorney's fees on the disbursement sheet, was later included in a check written to the "fake Forge" account at the Defendant RICHARD ALEXANDER MURDAUGH'S direction.

48. The May 2013 disbursement sheet further outlined \$105,000.00 in "Prosecution

Expenses.” However, there were no legitimate prosecution expenses. The Defendant RICHARD ALEXANDER MURDAUGH and Attorney 2 intended to use these funds for their own personal enrichment.

49. On May 13, 2019, Attorney 2 signed a check from the settlement funds to the “fake Forge” account totaling \$2,961,931.95, at RICHARD ALEXANDER MURDAUGH’S direction. RICHARD ALEXANDER MURDAUGH deposited the check into the “fake Forge” account on May 15, 2019.

50. In October 2020, the parties signed a stipulation of dismissal. On October 6, 2020, Attorney 2, at RICHARD ALEXANDER MURDAUGH’S direction, signed a check totaling \$118,000.00 to the “fake Forge” account.

51. At the Defendant RICHARD ALEXANDER MURDAUGH’S direction, Attorney 2 signed checks totaling \$3,483,431.95 to the “fake Forge” account. The Defendant, RICHARD ALEXANDER MURDAUGH, deposited the funds into his “fake Forge” account, knowing that the funds were intended for the benefit of the Estate of G.S. and thereafter used the funds for his personal enrichment. The Estate of G.S. did not receive any of the settlement funds.

**COUNT 8**

**Conspiracy to Commit Wire Fraud, 18 U.S.C. § 1349**

52. The allegations contained in paragraphs 1 and 29 through 51 are incorporated by reference as if set forth fully herein.

53. From in or around February 2018 through a date unknown to the Grand Jury, but up to at least October 2020, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, and Attorney 2 knowingly and intentionally combined, conspired, confederated, agreed and had a tacit understanding with others, both known and unknown, and engaged in a scheme, plan, and artifice to defraud the Estate of G.S., Nautilus and Lloyd’s, and to

obtain money and property from the Estate of G.S., Nautilus and Lloyd's by means of materially false and fraudulent pretenses, representations, and promises, by making false and misleading statements, and omitting facts necessary to make the statements truthful and not misleading. During such period, in the course of executing the scheme and artifice to defraud and to obtain money and property, the Defendant, RICHARD ALEXANDER MURDAUGH, and Attorney 2 did transmit and cause to be transmitted in interstate commerce, wire communications, including writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice to defraud, in violation of Title 18, United States Code, Section 1343, as fully set forth in paragraph 55 below.

Object of the Conspiracy

54. The object of the conspiracy was for the Defendant, RICHARD ALEXANDER MURDAUGH, and his coconspirator, Attorney 2, to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and to defraud the Estate of G.S., Nautilus and Lloyd's.

Overt Acts in Furtherance of Conspiracy

55. In furtherance of the conspiracy, the Defendant, RICHARD ALEXANDER MURDAUGH, and Attorney 2 committed the following overt acts in furtherance of the conspiracy:

- a. On or about January 7, 2019, at the Defendant RICHARD ALEXANDER MURDAUGH'S direction, Attorney 2 signed a check for \$403,500.00, funds intended for the benefit of the Estate of G.S., to "Forge," a bank account belonging to the Defendant, RICHARD ALEXANDER MURDAUGH. On or about January 9, 2019, the Defendant, RICHARD ALEXANDER MURDAUGH, deposited the



check for \$403,500.00 into his “fake Forge” account at Bank of America.

- b. On or about May 13, 2019, at the Defendant RICHARD ALEXANDER MURDAUGH’S direction, Attorney 2 signed a check for \$2,961,931.95, funds intended for the benefit of the Estate of G.S., to “Forge,” a bank account belonging to the Defendant, RICHARD ALEXANDER MURDAUGH. On or about May 15, 2019, the Defendant, RICHARD ALEXANDER MURDAUGH, deposited the check for \$2,961,931.95 into his “fake Forge” account at Bank of America.
- c. On or about October 6, 2020, at the Defendant RICHARD ALEXANDER MURDAUGH’S direction, Attorney 2 signed a check for \$118,000.00, funds intended for the benefit of the Estate of G.S., to “Forge,” a bank account belonging to the Defendant, RICHARD ALEXANDER MURDAUGH. On or about October 6, 2020, the Defendant, RICHARD ALEXANDER MURDAUGH, deposited the check for \$118,000, belonging to the Estate of G.S., into his “fake Forge” account at Bank of America;

All in violation of Title 18, United States Code, Section 1349.

**COUNTS 9-22**

**Money Laundering, 18 U.S.C. § 1956**

**THE GRAND JURY FURTHER CHARGES:**

56. The allegations contained in paragraphs 1 and 29 through 51, including all subparts, are incorporated by reference as if set forth fully herein.

57. On or about the dates set forth below, in the District of South Carolina, the Defendant, RICHARD ALEXANDER MURDAUGH, did knowingly and willfully conduct financial transactions affecting interstate commerce as set forth below, each of which involved the proceeds of a specified unlawful activity, to wit: wire fraud in violation of Title 18, United States

Code, Section 1343, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and while conducting said financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity:

Count	Date	Transaction
9	August 31, 2018	\$85,000 deposited into BOA account xx7625
10	October 3, 2018	\$65,000 deposited into BOA account xx7625
11	October 19, 2018	\$19,500 deposited into BOA account xx7625
12	December 26, 2018	\$225,073.46 deposited into BOA account xx7625
13	January 9, 2019	\$403,500.00 deposited into BOA account xx7625
14	February 27, 2019	\$279,850.65 deposited into BOA account xx7625
15	April 11, 2019	\$112,500.00 deposited into BOA account xx7625
16	May 15, 2019	\$2,961,931.95 deposited into BOA account xx7625
17	February 27, 2020	\$750,000 deposited into BOA account xx7625
18	October 6, 2020	\$118,000.00 deposited into BOA account xx7625
19	November 30, 2020	\$152,866.00 deposited into BOA account xx7625
20	December 16, 2020	\$91,867.50 deposited into BOA account xx7625
21	January 29, 2021	\$125,000.00 deposited into BOA account xx7625
22	May 12, 2021	\$83,333.33 deposited into BOA account xx7625

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).



**FORFEITURE**

**CONSPIRACY/WIRE FRAUD/BANK FRAUD:**

Upon conviction for violations of Title 18, United States Code, Sections 1343, 1344, and 1349, as charged in this Indictment, the Defendant, RICHARD ALEXANDER MURDAUGH, shall forfeit to the United States, any property, real or personal, which constitutes, is traceable to, or is derived from proceeds the Defendant obtained directly or indirectly as a result of such offenses.

**MONEY LAUNDERING:**

Upon conviction for violations of Title 18, United States Code, Section 1956, as charged in this Indictment, the Defendant, RICHARD ALEXANDER MURDAUGH, shall forfeit to the United States any property, real or personal, involved in a transaction or attempted transaction in violation of 18 U.S.C. § 1956, as charged in the Indictment, or any property traceable to such offenses.

**PROPERTY:**

Pursuant to Title 18, United States Code, Sections 981(a)(1)(A), 981(a)(1)(C), 982(a)(1), and 982(a)(2), and Title 28, United States Code, Section 2461(c), the property subject to forfeiture includes, but is not limited to, the following:

(1) **Cash Proceeds/Forfeiture Judgment:**

A sum of money equal to all proceeds the Defendant obtained, directly or indirectly, from the offenses charged in this Indictment, that is, a minimum of approximately \$7,641,707.09 in United States currency, and all interest and proceeds traceable thereto, and/or such sum that equals all property derived from or traceable to his violations of 18 U.S.C. §§ 1343, 1344, and 1349.

(2) Money Laundering/Forfeiture Judgment:

A sum of money equal to all property involved in the money laundering offenses charged in this Indictment, and all interest and proceeds traceable thereto, for which the Defendant is liable as the result of his violations of 18 U.S.C. § 1956.



SUBSTITUTE ASSETS:

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the Defendant-

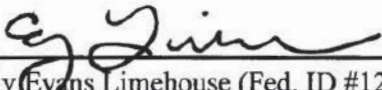
- A. Cannot be located upon the exercise of due diligence;
- B. Has been transferred or sold to, or deposited with, a third person;
- C. Has been placed beyond the jurisdiction of the court;
- D. Has been substantially diminished in value; or
- E. Has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the Defendant up to the value of the forfeitable property;

Pursuant to Title 18, United States Code, Sections 981(a)(1)(A), 981(a)(1)(C), 982(a)(1), and 982(a)(2), and Title 28, United States Code, Section 2461(c).


Bill  
  
 FOREPERSON

ADAIR F. BOROUGHS  
UNITED STATES ATTORNEY

By:   
Emily (Evans) Limehouse (Fed. ID #12300)  
Kathleen Stoughton (Fed. ID #12161)  
Winston D. Holliday, Jr. (Fed. ID #7597)  
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COURTESY OF  
LUNA SHARK MEDIA

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

UNITED STATES OF AMERICA

Criminal No: 9:23-cr-00396-RMG

v.

**PLEA AGREEMENT**

**RICHARD ALEXANDER MURDAUGH**

**General Provisions**

This PLEA AGREEMENT is made this 18<sup>th</sup> day of Sept, 2023, between the United States of America, as represented by United States Attorney Adair F. Boroughs and Assistant United States Attorneys Emily Limehouse, Kathleen Stoughton, and Winston Holliday, the Defendant, **RICHARD ALEXANDER MURDAUGH**, and Defendant's attorneys, Jim Griffin, Dick Harpootlian, and Phil Barber.

IN CONSIDERATION of the mutual promises made herein, the parties agree as follows:

1. The Defendant agrees to plead guilty to Counts 1 through 22 of the Indictment now pending, which charge Conspiracy to Commit Wire Fraud and Bank Fraud, in violation of 18 U.S.C. § 1349 (Count 1); Bank Fraud, in violation of 18 U.S.C. § 1344(2) (Count 2); Wire Fraud, in violation of 18 U.S.C. § 1343 (Counts 3 through 7); Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. § 1349 (Count 8); and Money Laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) (Counts 9 through 22).

In order to sustain its burden of proof, the Government is required to prove the following:

**Count 1 (Conspiracy to Commit Wire and Bank Fraud)**

- A. First, that from at least July 2011 and continuing until at least October 2021, in the District of South Carolina, the Defendant entered into a conspiracy, agreement, or understanding to commit an unlawful act, that is wire fraud and bank fraud;



- B. Second, that at some time during the existence or life of the conspiracy, agreement, or understanding, the Defendant knew the unlawful purpose of the agreement; and
- C. Third, that the Defendant joined in the agreement willfully with the intent to further the agreement for the unlawful purposes, here to commit wire fraud and bank fraud.

The penalty for this offense is:

A maximum term of imprisonment of thirty years, fine of \$1,000,000, supervised release for five years, and special assessment of \$100.

**Count 2 (Bank Fraud)**

- A. First, that on or about September 13, 2013 and October 28 and 29, 2013, in the District of South Carolina, the Defendant knowingly executed or attempted to execute a scheme or artifice to obtain any of the moneys, funds, credits, assets, or other property owned by, or under the custody of, a financial institution by false or fraudulent pretenses, representations, or promises;
- B. Second, that the Defendant did so with the intent to defraud; and
- C. Third, that the financial institution was then federally insured.

The penalty for this offense is:

A maximum term of imprisonment of thirty years, fine of \$1,000,000, supervised release for five years, and special assessment of \$100.

**Counts 3 through 7 (Wire Fraud)**

- A. First, that the Defendant devised or intended to devise a scheme to defraud or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises that were material;
- B. Second, that for the purpose of executing the scheme, the Defendant transmitted or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures or sounds on the dates specified in the Information.

The penalty for this offense is:

For Counts 3 and 4, Wire Fraud Affecting a Financial Institution, a maximum term of imprisonment of thirty years, fine of \$1,000,000, supervised release for five years, and special assessment of \$100. For Counts 5 through 7, a maximum term of imprisonment of twenty years, fine of \$250,000, supervised release for three years, and special assessment of \$100.

**Count 8 (Conspiracy to Commit Wire Fraud)**

- A. First, that from in or around February 2018 and continuing until at least October 2020, in the District of South Carolina, the Defendant entered into a conspiracy, agreement, or understanding to commit an unlawful act, that is wire fraud;
- B. Second, that at some time during the existence or life of the conspiracy, agreement, or understanding, the Defendant knew the unlawful purpose of the agreement; and
- C. Third, that the Defendant joined in the agreement willfully with the intent to further the agreement for the unlawful purpose, here to commit wire fraud.

The penalty for this offense is:

A maximum term of imprisonment of twenty years, fine of \$250,000,000, supervised release for three years, and special assessment of \$100.

**Counts 9 through 22 (Money Laundering)**

- A. First, that on or about the dates specified in the Indictment, in the District of South Carolina, the Defendant conducted or attempted to conduct a financial transaction having at least a minimal effect on interstate commerce or involving the use of a financial institution which is engaged in, or the activities of which have at least a minimal effect on, interstate or foreign commerce;
- B. Second, that the property that was the subject of the transaction involved the proceeds of specified unlawful activity;
- C. Third, that the defendant knew that the property involved represented the proceeds of some form of unlawful activity; and
- D. Fourth, that the defendant knew that the transaction was designed in whole or in part, to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of the unlawful activity.

The penalty for this offense is:

A maximum term of imprisonment of twenty years, fine of \$500,000 or twice the value of the property involved in the transaction, whichever is greater, supervised release for three years, and special assessment of \$100.

2. The Defendant understands and agrees that monetary penalties [i.e., special assessments, restitution, fines and other payments required under the sentence] imposed by the Court are due and payable immediately and subject to enforcement by the United States as civil

judgments, pursuant to 18 U.S.C. § 3613. In the event the Court imposes a schedule for payment of restitution, the Defendant also understands that payments made in accordance with installment schedules set by the Court are minimum payments only and do not preclude the Government from seeking to enforce the judgment against other assets of the Defendant at any time, as provided in 18 U.S.C. §§ 3612, 3613 and 3664(m). The Defendant further agrees to enter into the Bureau of Prisons Inmate Financial Repayment Program if sentenced to a term of incarceration with an unsatisfied monetary penalty. The Defendant further understands that any monetary penalty imposed is not dischargeable in bankruptcy.

- A. **Special Assessment:** Pursuant to 18 U.S.C. § 3013, the Defendant must pay a special assessment of \$100.00 for each felony count for which he is convicted. This special assessment must be paid at or before the time of the guilty plea hearing or during participation in the Bureau of Prisons Inmate Financial Repayment Program if this plea results in incarceration.
  - B. **Restitution:** The Defendant agrees to make full restitution under 18 U.S.C. § 3556 in an amount to be determined by the Court at the time of sentencing, which amount is not limited to the count(s) to which the Defendant pled guilty, but will include restitution to each and every identifiable victim who may have been harmed by his scheme or pattern of criminal activity, pursuant to 18 U.S.C. § 3663. The Defendant agrees to cooperate fully with the Government in identifying all victims. Upon demand, the Defendant shall submit a personal financial statement under oath and submit to interviews by the government and the U.S. Probation Office regarding the Defendant's capacity to satisfy any fines or restitution. The Defendant expressly authorizes the U.S. Attorney's Office to immediately obtain a credit report on the Defendant in order to evaluate the Defendant's ability to satisfy any financial obligation imposed by the Court. The Defendant understands that the Defendant has a continuing obligation to pay in full as soon as possible any financial obligation imposed by the Court.
  - C. **Fines:** The Defendant understands that the Court may impose a fine pursuant to 18 U.S.C. §§ 3571 and 3572.
3. The Defendant understands that the obligations of the Government within the Plea Agreement are expressly contingent upon the Defendant's abiding by federal and state laws



and complying with any bond executed in this case. In the event that the Defendant fails to comply with any of the provisions of this Agreement, either express or implied, the Government will have the right, at its sole election, to void all of its obligations under this Agreement and the Defendant will not have any right to withdraw his/her plea of guilty to the offense(s) enumerated herein.

**Cooperation and Forfeiture**

4. The Defendant agrees to be fully truthful and forthright with federal, state and local law enforcement agencies by providing full, complete and truthful information about all criminal activities about which he/she has knowledge. The Defendant must provide full, complete and truthful debriefings about these unlawful activities and must fully disclose and provide truthful information to the Government including any books, papers, or documents or any other items of evidentiary value to the investigation. The Defendant must also testify fully and truthfully before any grand juries and at any trials or other proceedings if called upon to do so by the Government, subject to prosecution for perjury for not testifying truthfully. The failure of the Defendant to be fully truthful and forthright at any stage will, at the sole election of the Government, cause the obligations of the Government within this Agreement to become null and void. Further, it is expressly agreed that if the obligations of the Government within this Agreement become null and void due to the lack of truthfulness on the part of the Defendant, the Defendant understands that:
- A. the Defendant will not be permitted to withdraw his/her plea of guilty to the offenses described above;
  - B. all additional charges known to the Government may be filed in the appropriate district;
  - C. the Government will argue for a maximum sentence for the offense to which the Defendant has pleaded guilty; and

- D. the Government will use any and all information and testimony provided by the Defendant pursuant to this Agreement, or any prior proffer agreements, in the prosecution of the Defendant of all charges.
5. The Defendant agrees to submit to such polygraph examinations as may be requested by the Government and agrees that any such examinations shall be performed by a polygraph examiner selected by the Government. Defendant further agrees that his/her refusal to take or his/her failure to pass any such polygraph examination to the Government's satisfaction will result, at the Government's sole discretion, in the obligations of the Government within the Agreement becoming null and void.
6. The Government agrees that any self-incriminating information provided by the Defendant as a result of the cooperation required by the terms of this Agreement, although available to the Court, will not be used against the Defendant in determining the Defendant's applicable guideline range for sentencing pursuant to the United States Sentencing Commission Guidelines. The provisions of this paragraph shall not be applied to restrict any such information:
- A. known to the Government prior to the date of this Agreement;
  - B. concerning the existence of prior convictions and sentences;
  - C. in a prosecution for perjury or giving a false statement;
  - D. in the event the Defendant breaches any of the terms of the Plea Agreement;  
or
  - E. used to rebut any evidence or arguments offered by or on behalf of the Defendant (including arguments made or issues raised *sua sponte* by the District Court) at any stage of the criminal prosecution (including bail, trial, and sentencing).
7. Provided the Defendant cooperates and otherwise complies with all the conditions of this Plea Agreement, the Attorneys for the Government agree to recommend to the Court that

the sentence imposed on these charges be served concurrent to any state sentence imposed for the same conduct. The Defendant understands that this recommendation would be *in lieu of* a motion for downward departure pursuant to § 5K1.1 of the United States Sentencing Commission Guidelines.

8. The Defendant agrees to voluntarily surrender to, and not to contest the forfeiture of any and all assets and property, or portions thereof, which are subject to forfeiture pursuant to any provision of law, including but not limited to, property in the possession or control of the Defendant or Defendant's nominees. Specifically, the Defendant agrees to voluntarily surrender, and not contest the forfeiture of property identified in the Indictment, and any forfeiture Bill of Particulars:

Cash Proceeds/Forfeiture Judgment:

A sum of money equal to all proceeds the Defendant obtained, directly or indirectly, from the offense charged in this Indictment, that is, a minimum of approximately \$9,000,000.00 in United States currency, and all interest and proceeds traceable thereto, and/or such sum that equals all property derived from or traceable to his violation of 18 U.S.C. §§ 1343, 1344, 1349, 1956.

With regard to each and every asset listed in the Indictment or seized in a related investigation or administrative, state, or local action, the Defendant stipulates and agrees:

The Defendant agrees and consents to the forfeiture of these assets pursuant to any federal criminal, civil judicial or administrative forfeiture action. The Defendant also hereby agrees to waive all constitutional, statutory and procedural challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture described herein constitutes an excessive fine, was not properly noticed in the charging instrument, addressed by the Court at the time of the guilty plea, announced at sentencing, or incorporated into the judgment.

To its forfeiture herein, if necessary as substitute property under 21 U.S.C. § 853(p), as made applicable by 18 U.S.C. § 982(b)(1) or any other statute, or in a separate administrative or civil judicial proceeding.



That the Defendant has or had a possessory interest or other legal interest in each item or property.

To assist the United States in the recovery of all assets by (i) taking whatever steps are necessary or requested by the United States to pass clear title to the United States; (ii) preventing the disbursement of any moneys and sale of any property or assets; (iii) not encumbering or transferring any real estate after the Defendant's signing of this Plea Agreement; and (iv) directing all financial institutions to turn over and surrender to the United States all funds and records regarding accounts listed in any document signed by the Defendant pursuant to this plea agreement, as criminal proceeds or substitute property.

The Defendant waives all rights to notice of forfeiture under Rule 32.2 and of any other action or proceeding regarding such assets. The Defendant consents and waives all rights to compliance by the United States with any applicable deadlines under 18 U.S.C. § 983(a). Any related administrative claim filed by the Defendant is hereby withdrawn.

Pursuant to Rule 32.2(b)(4), the Defendant agrees that the preliminary order of forfeiture will satisfy the notice requirement and will be final as to the Defendant at the time it is entered. In the event the forfeiture is omitted from the judgment, the Defendant agrees that the forfeiture order may be incorporated into the written judgment at any time pursuant to Rule 36.

If the United States discovers that the Defendant has not fully disclosed all assets, the United States may seek forfeiture of any subsequently-discovered assets, and the Defendant agrees to the immediate forfeiture of any such assets.

The Defendant further agrees to make a full and complete disclosure of all assets over which Defendant exercises control and those which are held or controlled by nominees. The Defendant agrees that Federal Rule of Criminal Procedure 11 and § 1B1.8 of the United States Sentencing Commission Guidelines will not protect from forfeiture, assets disclosed by the Defendant as part of his/her cooperation. The Defendant further agrees to submit to a polygraph examination on the issue of assets if it is deemed necessary by the United States.

The Defendant agrees to waive any double jeopardy claims the Defendant may have as a result of a forfeiture proceeding against any of these properties as provided for by this Plea Agreement and agrees to waive any claims that the forfeiture described herein constitutes an excessive fine.

Forfeiture of the Defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon the Defendant in addition to forfeiture. The United States may use the value of forfeited property for restitution, but is not required to do so.


**Merger and Other Provisions**

9. The Defendant represents to the court that he/she has met with his/her attorney on a sufficient number of occasions and for a sufficient period of time to discuss the Defendant's case and receive advice; that the Defendant has been truthful with his/her attorney and related all information of which the Defendant is aware pertaining to the case; that the Defendant and his attorney have discussed possible defenses, if any, to the charges in the Information including the existence of any exculpatory or favorable evidence or witnesses, discussed the Defendant's right to a public trial by jury or by the Court, the right to the assistance of counsel throughout the proceedings, the right to call witnesses in the Defendant's behalf and compel their attendance at trial by subpoena, the right to confront and cross-examine the Government's witnesses, the Defendant's right to testify in his own behalf, or to remain silent and have no adverse inferences drawn from his/her silence; and that the Defendant, with the advice of counsel, has weighed the relative benefits of a trial by jury or by the Court versus a plea of guilty pursuant to this Agreement, and has entered this Agreement as a matter of the Defendant's free and voluntary choice, and not as a result of pressure or intimidation by any person.
10. The Defendant is aware that 18 U.S.C. § 3742 and 28 U.S.C. § 2255 afford every defendant certain rights to contest a conviction and/or sentence. Acknowledging those rights, the Defendant, in exchange for the concessions made by the Government in this Plea Agreement, waives the right to contest either the conviction or the sentence in any direct appeal or other post-conviction action, including any proceedings under 28 U.S.C. § 2255. This waiver does not apply to claims of ineffective assistance of counsel, prosecutorial misconduct, or future changes in the law that affect the Defendant's sentence. This

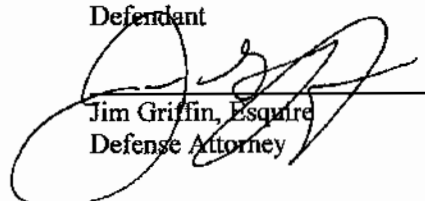
agreement does not affect the rights or obligations of the Government as set forth in 18 U.S.C. § 3742(b). Nor does it limit the Government in its comments in or responses to any post-sentencing matters.

- 11. The Defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.
- 12. The parties hereby agree that this Plea Agreement contains the entire agreement of the parties; that this Agreement supersedes all prior promises, representations and statements of the parties; that this Agreement shall not be binding on any party until the Defendant tenders a plea of guilty to the court having jurisdiction over this matter; that this Agreement may be modified only in writing signed by all parties; and that any and all other promises, representations and statements, whether made prior to, contemporaneous with or after this Agreement, are null and void.

9/14/23  
Date

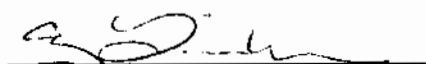
  
RICHARD ALEXANDER MURDAUGH,  
Defendant

9/14/23  
Date

  
Jim Griffin, Esquire  
Defense Attorney

ADAIR F. BOROUGHS  
UNITED STATES ATTORNEY

9/18/23  
Date

  
Emily Evans Limehouse (Fed. ID. 12300)  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

- - -

THE UNITED STATES OF AMERICA,	:	9: 23-cr-00396
	:	September 21, 2023
versus	:	(Pages 1 - 39)
RICHARD ALEXANDER MURDAUGH,	:	
Defendant.	:	

- - -

TRANSCRIPT OF PLEA  
BEFORE THE HONORABLE RICHARD M. GERGEL  
UNITED STATES DISTRICT COURT JUDGE

- - -

**A P P E A R A N C E S:**

For the Government:	EMILY EVANS LIMEHOUSE US Attorneys Office (Chas) 151 Meeting Street, Suite 200 Charleston, SC 29401-2238
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KATHLEEN MICHELLE STOUGHTON  
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1441 Main Street, Suite 500  
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For the Defendant:	JAMES MIXON GRIFFIN Griffin Humphries LLC PO Box 999 Columbia, SC 29202
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PHILLIP DONALD BARBER  
RICHARD A. HARPOOTLIAN  
Richard A Harpootlian PA  
1410 Laurel Street  
Columbia, SC 29201



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.

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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

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Date

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

UNITED STATES OF AMERICA

vs.

RICHARD ALEXANDER MURDAUGH

Defendant.

Criminal No.: 9:23-cr-0396-RMG

**DEFENDANT MURDAUGH'S  
SENTENCING MEMORANDUM**

**INTRODUCTION**

Defendant, Richard Alexander Murdaugh, through undersigned counsel, hereby submits his sentencing memorandum for the Court's consideration in advance of the hearing scheduled for April 1, 2024. We address Murdaugh's objections to the guideline calculations in the Presentence Investigative Report (PSR) and discuss the applicable guideline provisions imposing a concurrent sentence with the undischarged state sentence Murdaugh is currently serving for the same conduct.

In addition, we address the Government's late filed motion contending that Murdaugh breached his plea agreement by failing to pass a polygraph administered by the Federal Bureau of Investigation. The Government's motion is untimely and should not be considered at the currently scheduled sentencing hearing because a full evidentiary hearing, affording Murdaugh his Sixth Amendment right to confront the polygrapher examiner, will be necessary to address the Government's assertion that Murdaugh failed a polygraph examination. There are legitimate questions as to whether the Government intentionally manipulated the results to void the plea agreement and achieve the prosecutors' stated desire to "ensure that he's never a free man again."

*Alex Murdaugh Pleads Guilty*, AP News September 21, 2023. <https://apnews.com/article/alex-murdaugh-financial-crimes-guilty-aa2a5b2d06113a213f0c8cec4475f302>

The polygraph examiner engaged in what can only be described as odd conduct during the pre-test interview, first declaring his belief that Murdaugh is innocent of the murders of his wife and son, and then “secretly”<sup>1</sup> confiding in Murdaugh that he had just returned from performing a polygraph examination on Joran Van der sloop regarding the murder of Natalee Holloway. The polygraph examiner also argued with Murdaugh over the meaning of “hidden assets” which the examiner used in his test question. As explained herein, this alone could have caused Murdaugh to react to the question. The Government has also refused to produce the charts of the polygraph examination so we can have them examined by an expert to determine whether the Government has accurately scored the results. Instead, the Government asks the Court to credit its accusation that Murdaugh breached his plea agreement while denying him an opportunity to dispute the accusation in a meaningful manner.

I. Guideline Objections

A. Criminal History Calculation

We have objected to adding three (3) criminal history points for a tax plea and concurrent sentence with all other financial crimes to which Murdaugh plead guilty in the same state court proceeding. PSR ¶ 125 This conviction should not be included under Section 4A1.2 of the United States Sentencing Guidelines (USSG) because it involves conduct that is part of the instant offense.

Section 4A1.2 defines the term “prior sentence” as “any sentence previously imposed upon adjudication of guilt, whether by guilty plea, trial, or plea of nolo contendere, for conduct not part

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<sup>1</sup> The FBI agent asked Murdaugh, if he could keep a secret, and then claimed he had just come from Alabama where he polygraphed Joran Van der sloop.



of the instant offense.” The phrase “conduct not part of the instant offense” is to be determined with reference to Section 1B1.3, which defines relevant conduct. *United States v. Smith*, 187 F. App’x 330 (4th Cir. 2006) (unpublished); *United States v. Morgan*, 219 U.S. App. Lexis 37613 (6th Cir. 2019) *United States v. Yerena-Magana*, 478 F.3d 683 (5th Cir. 2007); *United States v. Charniak*, 607 F. App’x 936 (11th Cir. 2015).

“Relevant conduct” includes all acts and omissions committed by the defendant during the commission of the instant offense of conviction, in preparation for that offense, or in the course of attempting to avoid detection or responsibility for that offense. Section 1B1.3 USSG. Section 1B1.3(a)(3) states “solely with respect to offenses of a character for which §3D1.2(d) would require grouping of multiple counts, all acts and omissions described in subdivisions (1)(A) and (1)(B) above that were part of the same course of conduct or common scheme or plan as the offense of conviction.”

Tax offenses are properly grouped with fraud offenses under §3D1.2(d) when the tax offenses are part of a continuous course of criminal conduct involving the same funds. *United States v. Petrillo*, 237 F.3d 119 (2d Cir. 2000); *United States v. Gordon*, 291 F.3d 181, 192–93 (2d Cir. 2002) (reaffirming *Petrillo* and requiring grouping of tax evasion and mail fraud counts under subsection (d) of § 3D1.2), *cert. denied*, 537 U.S. 1114 (2003). As a result, tax offenses are considered relevant conduct under Section 1B1.3(a)(3) pertaining to fraud offenses if the tax offense was part of the same course of conduct.

In *Petrillo*, the Court explained:

[B]oth tax evasion and mail fraud follow offense level schedules that trigger substantially identical offense level increments based on the amount of loss. Moreover, the offenses here were both frauds, were part of a single continuous course of criminal activity and involved the same funds. It is true that the tax and fraud offenses involved different victims, an argument against grouping. However, this alone is not dispositive. Application Note 6 strongly suggests

that “the mere fact that [defendant’s] ... counts harmed different victims is ... insufficient to establish that these counts cannot be grouped under subsection (d).” *Napoli*, 179 F.3d at 9. Based on this reading of the Guidelines and *Napoli*, we agree with the parties that the mail fraud and tax evasion counts here should be grouped and Petrillo’s sentence adjusted accordingly.

*Id.* at 125

In *United States v. Haltom*, 113 F.3d 43 (5th Cir. 1997) the Court likewise ruled that a conviction for tax evasion should be grouped with a mail fraud conviction. The Court observed,

Section 3D1.2 specifies the circumstances in which multiple counts must be grouped together. When counts are grouped, they are essentially treated as a single offense for sentencing purposes. The stated purpose of the grouping rules is to ensure that a defendant convicted of multiple offenses receives “incremental punishment for significant additional criminal conduct.” U.S.S.G., Ch. 3, Pt. D, Introductory Commentary. The operative word is “significant.”

*Id.* at 45.

Here, the tax offense to which Murdaugh pled guilty in state court was part of a single continuous course of criminal activity involving the same proceeds obtained through the fraud offense conduct. Moreover, the state tax charge does not involve “significant additional criminal conduct.” As such, the state tax charge is “relevant conduct” as defined under Section 1B1.3(a)(3) and Murdaugh should not receive criminal history points for these convictions.

#### B. Loss Amount

The summary loss amount set forth in paragraph 106 is incorrect in the following respects. The PSR reports a loss amount of \$792,000 for the Faris fees allegedly stolen from PMPED. The \$792,000 in fees owed to PMPED from the Wilson Law Firm for Murdaugh’s representation was originally diverted to Murdaugh personally. However, before the scheme was detected, Murdaugh

returned \$600,000 to the Wilson Law Firm so that Wilson could pay PMPED. Ultimately, Wilson loaned Murdaugh \$192,000 and paid the full amount owed to PMPED.

In addition, the remaining loss amount attributed to PMPED is overstated. Loss is defined under Application Note 3 to Section 2B1.1 USSG as “the reasonably foreseeable pecuniary harm that resulted from the offense.” Pecuniary harm means “harm that is monetary or otherwise is readily measurable in money.” *Id.* The total amount of PMPED fees that Murdaugh diverted to himself is not an accurate measure of pecuniary harm to the firm.

Under the partnership compensation formula, each partner was entitled to a year-end distribution of 92.5% of the total fees the partner earned through the firm, after payment of the partner’s pro-rata share of the firm overhead. The remaining 7.5% was deposited into a fund that was then distributed to all partners on a pro-rata basis.

Murdaugh collected sufficient funds to cover his pro-rata share of the firm’s overhead every year in which he diverted fees to himself personally. Thus, Murdaugh would have been entitled to receive at least 92.5% of the total amount of diverted funds.

The pecuniary loss to PMPED is therefore limited to 7.5% of the diverted amount. According to the summary table in paragraph 125, Murdaugh “stole” \$1,481,935.49 by diverting attorneys’ fees to himself. Murdaugh was entitled to receive at least 92.5%, or \$1,370,790.33 according to the firm’s compensation formula. The pecuniary harm, or loss to PMPED is therefore limited to \$111,145.16 if the Faris fee is included. However, when the Faris fee of \$792,000 is properly excluded from the loss amount calculation, the pecuniary harm to PMPED is reduced to \$51,745.6. This reduces the total loss amount to \$9,456,356.99, which in turn reduces the loss enhancement from 20 levels to 18 levels pursuant to 2B1.1(b)(1)(J).

II. Sentencing Guideline Section 5G1.3 Directs that Murdaugh Receive a Concurrent Sentence to His Undischarged State Sentences for All Financial and Tax Crimes

Section 5G1.3 USSG provides that the sentence for the instant offense “shall be imposed to run concurrently to the undischarged term of imprisonment” for another offense that is relevant conduct to the instant offense. § 5G1.3(b)(2). The Court is also directed to adjust the sentence for any period of imprisonment already served on the undischarged term of imprison. §5G1.3(b)(1). As discussed above, the tax charge as well as all other financial crimes<sup>2</sup> for which Murdaugh has been sentenced in state court, is relevant conduct to the instant offense.

However, the convictions relating to the murders of Maggie Murdaugh and Paul Murdaugh clearly are not relevant conduct. Therefore, the policy statement in Section 5G1.3(d) is applicable.

Section 5G1.3(d) states:

In any other case involving an undischarged term of imprisonment, the sentence for the instant offense may be imposed to run concurrently, partially concurrently, or consecutively to the prior undischarged term of imprisonment to achieve a reasonable punishment for the instant offense.

*Id.*

Application note 4A states:

Under subsection (d), the court may impose a sentence concurrently, partially concurrently, or consecutively to the undischarged term of imprisonment. In order to achieve a reasonable incremental punishment for the instant offense and avoid unwarranted disparity, the court should consider the following:

- (i) the factors set forth in 18 U.S.C. § 3584 (referencing 18 U.S.C. § 3553(a));
- (ii) the type (e.g., determinate, indeterminate/parolable) and length of the prior undischarged sentence;
- (iii) the time served on the undischarged sentence and the time likely to be served before release;

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<sup>2</sup> The PSR finds that only the tax offense is not relevant conduct. See ¶ 125. Murdaugh received a five year concurrent sentence on the tax conviction.

(iv) the fact that the prior undischarged sentence may have been imposed in state court rather than federal court, or at a different time before the same or different federal court; and

(v) any other circumstance relevant to the determination of an appropriate sentence for the instant offense.

Because Murdaugh is serving two life sentences without the possibility of parole for the murder convictions there is nothing to be gained by imposing a consecutive sentence. Murdaugh will die in state custody and never serve a day of consecutive time. If Murdaugh's murder and related convictions are vacated on appeal or through a federal habeas action, then there will not be any active sentence with which to run consecutively.

III. This Court Should Deny the Government's Motion Declaring Murdaugh in Breach of his Plea Agreement, or Delay Ruling on the Motion Until the Government Provides Murdaugh with the Polygraph Charts

The Government's conduct leading up to the polygraph examination and the agent's conduct during the examination raises significant concerns as to whether the Government has acted in good faith. Immediately following Murdaugh's guilty plea, prosecutors declared to the press that the reason Murdaugh was federally prosecuted was to "ensure he's never a free man again."<sup>3</sup> This statement was made even though pursuant to the plea agreement, the prosecutors agreed to recommend to the court, consistent with the federal sentencing guidelines, that the federal sentence run concurrently with his state sentence. In a follow-up conversation about this seemingly contradictory statement, the undersigned counsel was advised that Murdaugh must pass a polygraph examination to obtain the benefit under the plea agreement.

Then, after conducting four interviews with Murdaugh over a six-month period, prosecutors demanded that Murdaugh submit to a polygraph examination regarding his assets. This

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<sup>3</sup> Alex Murdaugh Pleads Guilty to Financial Crimes, AP News, Sept. 21, 2023, *available at* <https://apnews.com/article/alex-murdaugh-financial-crimes-guilty-aa2a5b2d06113a213f0c8cec4475f302>



struck the undersigned as very curious since Murdaugh had never been requested to identify any of his assets in prior interviews. During the pre-test interview, Murdaugh expressed confusion and uncertainty regarding the agent's use of the term "hidden assets," primarily because Murdaugh had never been requested to identify his assets and he was unsure which assets the investigators and the State appointed receiver had identified. Yet, the polygraph examiner used this exact term during the test,

The polygraph examiner's questions run afoul of the following standards for designing polygraph questions issued by the Global Polygraph Network (GPN):

- Questions cannot be subjective or ambiguous. Each question must be interpreted the same way by any person who hears it. For example, if there is a question about having "sex" with someone, the term "sex" must be defined (vaginal, oral, anal, manual, virtual, etc.) When in doubt, specific words or phrases can be defined and agreed-upon before the exam.
- Questions must be about what the examinee has disclosed to the examiner, not to someone else. For example, "Did you tell your boss about everything you stole from him?" is not a proper question, although the question "Besides what you told me, did you steal anything else from your boss?" would be valid. All relevant disclosures must be made to the examiner first so the examiner can verify those disclosures.
- Questions about lying are not generally used.<sup>4</sup> Polygraph questions are asked in the most direct way possible. For example, we would prefer to ask "Did you steal the missing wallet?" rather than "Are you lying about stealing the missing wallet?"

*Polygraph Question Design Rules*, GPN <https://www.polytest.org/polygraph-question-rules/>

Even the Department of Justice acknowledges that the design of the relevant question is a significant variable, causing examinees to react to the question. DOJ, Crim. Resource Manual Section 261 (<https://www.justice.gov/archives/jm/criminal-resource-manual-261-polygraphs->

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<sup>4</sup> The polygraph examiner also tested Murdaugh on whether he was "lying" about his statement regarding "hidden assets."

[examination-variables](#) ) Here, it appears that the polygrapher designed the relevant question in such a way to ensure that Murdaugh would fail the exam, in an effort to accomplish the prosecutor's stated goal of ensuring "that he will never be a free man again."

In addition, the polygraph examiner's conduct during the pre-interview process was odd at best. The examiner upon meeting Murdaugh exclaimed that he did not believe Murdaugh murdered his wife and son. The examiner also inquired who Murdaugh thought killed his wife and son. In response to this inquiry Murdaugh asked the examiner to polygraph him on his wife and son's murders. The examiner refused. The examiner also purported to secretly confide in Murdaugh that he had just come from Alabama where he conducted a polygraph examination of Joran Van de sloop about the murder of Natalee Holloway.

Upon learning that the Government contends Murdaugh failed the polygraph, the undersigned requested charts of the tests so that we could have an independent expert review them. The Government refused our request. Without these charts, Murdaugh cannot effectively cross examine the polygrapher who contends Murdaugh failed the test. To be clear, Murdaugh objects to the Government's reliance upon a written report where an examiner simply checks a box to establish that Murdaugh breached the plea agreement. Murdaugh has a Sixth Amendment right to cross exam the polygrapher regarding his administration of the polygraph exam and the scoring of the same. *See, Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009) (applying *Crawford v. Washington* to forensic lab reports); *Bullcoming v. New Mexico*, 131 S.Ct. 2705, 2716-17 (2011) (Blood alcohol analysis report). Murdaugh will also be deprived of his opportunity to present expert testimony regarding the validity of the polygraph examiner's scoring of the test if the charts are not provided.

Murdaugh therefore objects to the Court addressing the Government's motion until after the Government has produced the polygraph charts in advance of a hearing, giving counsel a sufficient opportunity to review and analyze the same, in consultation with a polygraph expert. If the Government is unwilling to provide the underlying charts to the defense, then this Court should deny the motion.

IV. This Court should not rely upon Polygraph Results as Evidence of Truthfulness

The United States Department of Justice's Criminal Resource Manual says it best:

In light of present scientific evidence the Department of Justice continues to agree with the conclusion of the Committee on Governmental Operations of the House of Representatives, which held after extensive hearings in 1965:

**There is no "lie detector." The polygraph machine is not a "lie detector," nor does the operator who interprets the graphs detect "lies."** The machine records physical responses which may or may not be connected with an emotional reaction--and that reaction may or may not be related to guilt or innocence. Many, many physical and psychological factors make it possible for an individual to "beat" the polygraph without detection by the machine or its operator.

H.R.Rep. No. 198, 89th Cong., 1st Sess. 13 (1965). Following further hearings and study, the same conclusions were reached in 1976. The Use of Polygraphs and Similar Devices by Federal Agencies: Hearings on H.R. 795 Before the House Comm. on Government Operations, 94 Cong., 2d Sess. (1976). And in 1988, as a result of continuing doubts about the usefulness and accuracy of polygraphs as a means of detecting deceit, Congress restricted the use of polygraphs in employment decisions. 29 U.S.C. §§ 2001 et seq.

Crim. Resource Manual §259 (<https://www.justice.gov/archives/jm/criminal-resource-manual-259-polygraphs-general>) (emphasis added)

The South Carolina Attorney General takes the same view as the Department of Justice, rejecting the idea that a polygraph detects lies. In a pre-trial filing in the murder case, Murdaugh disclosed that Curtis Eddie Smith failed a polygraph exam administered by SLED regarding his knowledge and/or involvement in the murders of Maggie and Paul. In response, the Attorney General stated,

A polygraph examination is a procedure in which a subject is measured for certain physiological and psychological reactions while responding to questions in a controlled environment. **The polygraph machine is not a “lie detector,” nor does the operator who interprets the test “detect lies;”** rather the machine records physical responses from which an examiner may draw somewhat subjective inferences about whether the examinee is being deceptive or otherwise motivated by a sense of guilt or some other emotion.

*State’s Response in Opposition to Motion to Compel*, Exhibit A (emphasis added).

Assuming Murdaugh did in fact “flunk” the polygraph as reported in the press, the only conclusion that can be drawn is that he had a physiological and/or psychological reaction to the relevant questions. Nothing more. The Department of Justice’s own policy manual precludes the federal prosecutors from claiming that Murdaugh was lying or being deceptive. Simply put, a polygraph machine does not detect lies.

Finally, the Government’s motion is untimely. The polygraph examination took place on October 18, 2023, and the final review of the results was completed by October 26, 2023. The Government knew no later than October 26, 2023, that it would move for a finding that Murdaugh breached his plea agreement (and, as explained above, it decided to do so even earlier). Yet the Government waited five months before filing its motion barely more than two business days (the filing was made in the late afternoon) before sentencing. The unavoidable inference is that the Government engaged in deliberate delay to impede careful judicial scrutiny of its position.

V. A Sentence within the Guidelines is an Appropriate Disposition

Defendant Murdaugh has fully accepted responsibility for his own actions. He pled guilty to all the charges brought against him in this Court. He has also pled guilty and been sentenced to 27 years in State court for the same conduct. He will have to serve 85% of the state court sentence. Murdaugh is 55 years old and therefore won’t be eligible for release on the State financial charges until he is at least 77 years old. Furthermore, during the last five years, defendants sentenced in

federal court with the same guideline offense level and criminal history as Murdaugh received on average a sentence of 168 months. PSR ¶ 209, and a median sentence of 210 months.<sup>5</sup>

There is no basis for an upward to the sentencing guideline range. In Section 5K USSG, the United States Sentencing Commission identifies the following grounds for an upward departure: Death (§5K2.1), Extreme Physical Injury (§5K2.2), Extreme Psychological Injury (§5K2.3), Abduction or Unlawful Restraint (§5K2.4), Extreme Conduct (§5K2.8) (“the defendant’s conduct was unusually heinous, cruel, brutal, or degrading to the victim, the court may increase the sentence above the guideline range to reflect the nature of the conduct.”), Weapons and Dangerous Instrumentalities (§5K2.6), Semiautomatic Firearms Capable of Accepting Large Capacity Magazine (§5K2.17), Violent Street Gangs (§5K2.18), Property Damage or Loss (§5K2.5), Disruption of Governmental Function (§5K2.7), Public Welfare (§5K2.14), Commission of Offense While Wearing or Displaying Unauthorized or Counterfeit Insignia or Uniform (§5K2.24), Criminal Purpose (§5K2.9)(the defendant committed the offense in order to facilitate or conceal the commission of another offense, the court may increase the sentence above the guideline range to reflect the actual seriousness of the defendant’s conduct.) and Dismissed and Uncharged Conduct (§5K2.21). None of these grounds are present here.

As egregious as Murdaugh’s criminal conduct was, his misconduct must be viewed along with his 20-year severe opioid addiction. PSR ¶ 180. He began abusing and became addicted to hydrocodone in the early 2000s, initially obtaining them through prescriptions and later began purchasing the drugs on the black market. Subsequently, he switched to oxycodone. Murdaugh reports that he attempted to quit on his own, “countless times, 60-100.” *Id.* He was treated at a

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<sup>5</sup> The Probation Office calculated Murdaugh’s sentencing guideline sentencing range at 210 to 262 months. PSR ¶ 187.



detox facility on three separate occasions, December 2017, October 2018, and September 2021. After the completion of detox in September 2021, he was then admitted to a long-term rehab facility in Orlando, Florida. *Id.* He was arrested on the day of his discharge and has been in custody ever since.

Murdaugh has cooperated with the federal government in their ongoing investigation. He has been interviewed on four separate occasions over a six-month period. In addition, the clients from whom he stole, who are vulnerable victims, have been fully reimbursed for their financial losses. Many have even recovered more money through threats of litigation than they ever would have received if Murdaugh had not stolen from them. These reimbursements were made by Murdaugh's former law partners, who obviously cannot be considered vulnerable, the law firm's insurance carrier, Palmetto State Bank and other third parties.

#### CONCLUSION

We respectfully request that the Court impose a sentence within the guidelines to run concurrently with Murdaugh's undischarged State sentence imposed for the same conduct. A guideline sentence will be sufficient, but not greater than necessary to comply with the purposes set forth in Title 18 United States Code, Section 3553(a)(2).

Respectfully submitted,

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Attorney for Richard Alexander Murdaugh

March 28, 2024  
Columbia, South Carolina

COURTESY OF  
LUNA SHARK MEDIA

9:23-cr-00396-RMG Date Filed 03/28/24 Entry Number 69-1 Page 1 of 15

# Exhibit A

State's Response in Opposition to Motion to Compel,  
October 19, 2022

STATE OF SOUTH CAROLINA  
 COUNTY OF COLLETON

IN THE COURT OF GENERAL SESSIONS  
 FOURTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

) Case No. 2021-GS-15-00592 to -595  
 )  
 )  
 )

v.

) **RESPONSE IN OPPOSITION TO MOTION**  
 ) **TO COMPEL AND MOTION TO STRIKE**  
 ) **NOTICE OF ALIBI**  
 )  
 )  
 )

RICHARD ALEXANDER MURDAUGH,  
 Defendant.

The State of South Carolina, through the undersigned, hereby responds as follows to a motion to compel filed by the defense on Friday, October 14, 2022, a second motion to compel filed by the defense on October 17, 2021, and a Motion to Strike Notice of Alibi filed by the defense on Tuesday, October 18, 2022. The motions are without merit.

**A. BACKGROUND**

As always, the State is willing to work to ensure the defense has discovery to which it is entitled, and even has provided discovery far in excess of what is technically required by rule. To this end, just on the murder case alone, the State has, as of October 19, 2022, turned over 206 GB of information, incorporating hundreds of individual files and documents representing thousands of pages. That does not even include an additional 470 GB of information provided to the defense on an external hard drive. The State began to provide discovery only relevant to the murders of Maggie and Paul by 11:24am on Wednesday, August 31, 2022, which was the first morning after Judge Newman's clerk sent the signed Protective Order to us at 5:47 p.m. on Tuesday, August 30, 2022. All of

this was in addition to extensive and related State Grand Jury discovery, which the State began to provide on January 13, 2022, and was then supplemented over the following months as the State Grand Jury indicted Alex Murdaugh with additional charges. Collectively the discovery provided is over three quarters of a *terabyte*.

Indeed, on multiple occasions the State has quickly responded to defense counsel and identified where certain evidence was in the extensive discovery provided that the defense thought it had not received but in fact had. Moreover, even though Rule 5(a)(2) does not require the State to turn over “statements made by prosecution witnesses or prospective prosecution witnesses” until after the witness has testified on direct examination in a trial, the State has been turning over statements in its possession, many of which were recorded.

Interestingly, the undersigned had a long conversation with defense counsel on Thursday, October 13, 2022, discussing discovery issues in which there was no disagreement, including about some issues raised in the current motions. This was a pleasant and reasonable conversation, but – of course, as usual -- at no time during this conversation did counsel mention the defense was going to file an aggressive and misleading motion to compel just one day later. And, as usual, the undersigned first found out about the defense's October 14, 2022 motion from inquiries to the Office from press who had it well before defense counsel bothered to send a professional courtesy copy to this Court and the State. Again, this manner of conducting litigation says a lot about the defense's true motives here, and the Court should not be moved by such tactics.



**B. MOTION TO COMPEL FROM OCTOBER 14, 2022**

There are no issues with the requested information that need compulsion, and Defendant's motion is unnecessary and premature. First, however, it is necessary to address the misleading contentions and impression the defense makes about the Curtis Eddie Smith's polygraph.

**1. Eddie Smith and the Polygraph**

Of course, a big part of the current motion is related to Curtis Eddie Smith, and seems more designed to attempt to attempt to color the public view of the case by highlighting a previously provided polygraph result – which Defendant and his counsel certainly have to know is generally inadmissible in evidence because polygraphs do not meet the standard for reliability for a criminal trial. Defendant Alex Murdaugh also seems to pursue the same aim of prejudicing the public by quoting in a public filing some scuttlebutt story Eddie Smith related he heard about a groundskeeper having an affair with Maggie – a story which defense counsel knows has no basis in anyone's personal knowledge or evidentiary fact and frankly is insulting to her memory. It says a lot about Defendant's true motives here with these motions that he would prominently feature such salacious content which adds nothing to a pretrial motion supposedly on legal issues.

As usual, Defendant Alex Murdaugh and his counsel here are attempting to make a mountain out of something they know is inadmissible, and incorrectly imply that the State was hiding something – **when it was the State that provided the defense with the polygraph results as well as polygraph interview of Eddie Smith on the first day murder discovery was authorized, August 31, 2022.** The State has also previously provided the defense with Curtis Eddie Smith's proffer, as well as another statement of

Smith's and multiple records involving him. No one -- on the State side at least -- is hiding anything here.

Secondly, since the defense has decided to spend a few pages on it, it is important to point out that Murdaugh's defense motion is misleading how polygraphs actually work. Maybe Defendant Murdaugh and his experienced defense counsel are unaware of how polygraphs really work when they put pictures in the motion with the idea that a supposed spike means someone was lying about a certain question. A polygraph examination is a procedure in which a subject is measured for certain physiological and psychological reactions while responding to questions in a controlled environment. The polygraph machine is not a "lie detector," nor does the operator who interprets the graphs detect "lies;" rather, the machine records physical responses from which an examiner may draw somewhat subjective inferences about whether the examinee is being deceptive or otherwise motivated by a sense of guilt or some other emotion. See Adam B. Shniderman, You Can't Handle the Truth: Lies, Damn Lies, and the Exclusion of Polygraph Evidence, 22 ALBLJST 433, 449-50 ("The machine does not directly detect lies. . . . Instead, the polygraph works on the assumption that certain physiological responses occur in an individual when he or she lies."); see also U.S. Department of Justice, Criminal Resource Manual § 259 ("The machine records physical responses which may or may not be connected with an emotional reaction—and that reaction may or may not be related to guilt or innocence.").

Almost universally throughout the nation, polygraphs generally are not admissible in courts because of their inherent subjectivity and reliability issues. See State v. Palmer, 415 S.C. 502, 517-18, 783 S.E.2d 823, 831 (Ct. App. 2016) ("[T]he general rule is that no

mention of a polygraph test should be placed before the jury.”, quoting State v. Johnson, 376 S.C. 8, 11, 654 S.E.2d 835, 836 (2007)); State v. Wright, 322 S.C. 253, 255, 471 S.E.2d 700, 701 (1996) (“Generally, the results of polygraph examinations are inadmissible because the reliability of the polygraph is questionable.”, quoting State v. Copeland, 278 S.C. 572, 300 S.E.2d 63 (1982)); State v. McHoney, 344 S.C. 85, 96-97, 544 S.E.2d 30, 35-36 (2001) (citing State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999)) (noting that polygraph related evidence should be analyzed under Rules 702 and 403, SCRE., and stating “[t]o this day, the scientific community remains extremely polarized about the reliability of polygraph techniques.”).<sup>1</sup> Polygraphs remain at best a tool to be

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<sup>1</sup> For example, in 2008 our state supreme court reversed a granting of PCR relief for counsel’s failure to have a polygraph performed of the defendant, in part by reiterating the statement from Council that the court “has consistently held the results of polygraph examinations are generally not admissible because the reliability of the tests is questionable”. Lorenzen v. State, 376 S.C. 521, 657 S.E.2d 771 (2008). See also State v. Johnson, 376 S.C. 8, 654 S.E.2d 835 (2007) (general rule is that no mention of a polygraph test should be placed before the jury); Ellenburg v. State, 367 S.C. 66, 625 S.E.2d 224 (2006) (mere mention of a polygraph during testimony is not prejudicial where no results are put into evidence); State v. Jackson, 364 S.C. 329, 613 S.E.2d 374 (2005) (defense waived motion to admit polygraph results when it ultimately declined trial court’s offer for a Council hearing). See also United States v. Cordoba, 194 F.3d 1053, 1059-60 (9th Cir. 1999) (testimony regarding results of polygraph held to be inadmissible due to unreliability of the technique); United States v. Neuhard, 770 F. App’x 251, 255 (6th Cir. 2019) (“[p]olygraph results are usually inadmissible”); Commonwealth v. Watkins, 750 A.2d 308, 315 (Pa. Super. 2000) (Polygraph evidence is inadmissible at trial as evidence of guilt); State v. Dressel, 765 N.W.2d 419, 425 (Minn. App. 2009) (polygraph results are not admissible in criminal trials to prove guilt or innocence); Commonwealth v. Hetzel, 822 A.2d 747, 767 (Pa. Super. 2003) (clinical polygraph tests, because of their unreliability, are inadmissible as evidence at trial); United States v. Duverge Perez, 295 F.3d 249, 253-54 (2d Cir. 2002) (finding no abuse of discretion from the district court’s refusal to admit polygraph evidence in connection with the defendant’s sentencing); United States v. Ruggiero, 100 F.3d 284, 292 (2d Cir. 1996) (dismissing the significance of polygraph results that might corroborate a defendant’s testimony because of their “questionable accuracy”); Monsanto v. United States, Nos. 97 Civ. 4700, S 87 Cr. 555, 2000 WL 1206744, \*4 (S.D.N.Y. Aug. 24, 2000) (“[P]olygraph examinations are considered unreliable and are inadmissible in court.”); United States v. Bellomo, 944 F.Supp. 1160, 1164 (S.D.N.Y. 1996) (“[P]olygraph evidence never has been admitted in a federal trial in this Circuit, even in the three years since Daubert ...”); United States v. Black, 831 F.Supp. 120, 123 (E.D.N.Y. 1993) (holding that, even after Daubert, “[t]he polygraph test is simply not sufficiently reliable to be admissible”); United States v. Ramirez, 386 F.3d 1234 (9th Cir. 2004) (prejudicial effect of polygraph outweighed probative value); United States v. Prince-Oyibo, 320 F.3d 494 (4th Cir. 2003) (refusing to abandon per se rule of exclusion even after Daubert); United States v. Canter, 338 F.Supp.2d 460 (S.D.N.Y. 2004) (discussing vast weight of authority excluding polygraphy under Rule 702); Ross v. State, 133 S.W.3d 618 (Tex. Crim App. 2004) (finding no abuse of discretion in exclusion given the lack of a consensus as to reliability).

assessed only in the context of other evidence, and only for investigative purposes, not trial purposes.

Further, the pictures of the polygraph Defendant puts in his motion, while they may make for interesting content, simply do not mean what the defense tries to convince the reader they mean. The highlighted view of the screen appears to be a movement spike, not an answer. Regardless, polygraphs are not scored like people think from the movies where the needle goes crazy on a specific question and that somehow means the person lied about the content of that specific question. Polygraphs are scored in their entirety, between control and relevant questions, and even a failure does not mean that a person is lying about the content of their answers, but merely— if the result is even reliable for a particular person – that the person is motivating some sort of feeling or emotion about the situation as a whole. This result could easily happen from one who merely has not disclosed everything they know about the situation or feels guilty about circumstances leading up to it, without necessarily having any involvement in a specific crime whatsoever.

It appears that Defendant's experienced team of defense lawyers do not understand how polygraphs work, or they are vastly overstating their point to this Court and for public consumption. Those are the only two choices. Even if the polygraph did mean what Defendant tries to mislead the reader into believing, nothing about that would *exclude* Defendant as the perpetrator of the crime. The overwhelming weight of the evidence to be put forth at trial will show Defendant Alex Murdaugh he murdered his wife in son with malice aforethought.

The State has nothing to hide and is not hiding anything as it relates to Curtis Eddie Smith. It says a lot about Alex Murdaugh's defense that he (1) makes such a huge deal out of a generally inadmissible polygraph that defense counsel must know does not meet the standards for reliability to be evidence in a trial, and (2) freely recounts a scuttlebutt story Eddie Smith "heard" which has no actual evidence to support it, and which disparages the very victims Defendant murdered in this case – his wife Maggie and son Paul.

**2. Request for all polygraph data and notes**

Here, Defendant goes straight to a motion to compel without any prior communication even though the State was the one to provide him with the polygraph results as soon as it was authorized back on August 31, 2022. The underlying data and notes were received yesterday and there will be no problem providing them as soon as they are processed and uploaded. No issue.

**3. Evidence collected pursuant to search of Smith's home on 9/7/21**

Any information not previously turned over was turned over on October 18, 2022, consistent with what had generally been discussed with defense counsel without any indicated problem during the call on Thursday, October 13, 2022.

**4. Evidence collected pursuant to search warrant of Smith's phone in September 2021**

Evidence related to this search warrant was provided to the defense on the first day murder discovery was authorized, 4:03 p.m. on August 31, 2022. The file was entitled "0061 – Curtis Smith Cell Phone Records". Yet again a non-issue which puts into perspective the real motives behind overcooked nature of the defense's motion. Moreover, the defense has had for months the external hard drive with the phone dump



that includes Smith's phone. If they need help finding it the State will be glad to help. There is no issue.

**5. Any records, notes, or reports of any interview with Donna Eason**

Information on a Donna Eason interview was initially provided on January 28, 2022. The defense was authorized to review Donna Eason transcripts as early as August 10, 2022 – but it is on them to actually take advantage of that authorization. Any additional discoverable Donna Eason interview recordings or memorandums of interview have been provided as of October 19, 2022. There is no issue.

**6. Disclosure of all DNA test results regarding Eddie Smith**

All DNA evidence to date has been turned over. Some analysis remains pending and will be provided as soon as forensic analysis is completed. There is no issue.

**7. All cooperation or non-prosecution agreements between the State and Smith**

The State turned over the proffer agreement with Curtis Eddie Smith on September 20, 2022. A proffer agreement is just an interview agreement and is **NOT** a cooperation agreement nor a non-prosecution agreement. The State has no cooperation or non-prosecution agreement with Curtis Eddie Smith. Indeed, the State has currently charged Smith with 19 crimes encompassing a possible sentence of over 180 years, and Smith is currently in pre-trial lockup based on the State's motion to revoke his bond. There is no issue here either.

The defense has or is getting as soon as available the any relevant, discoverable, and material information requested. Despite yet another inflammatory defense motion, there is no need for compulsion, and Defendant Alex Murdaugh's motion is clearly just

meant to try to prejudice the reader with a recounting of inadmissible polygraphs and salacious scuttlebutt that is offensive to the memory of his victims.

**C. MOTION TO COMPEL FROM OCTOBER 17, 2022**

There is also no need for compulsion as to Defendant's second motion from October 17, 2022. As noted before, defense counsel would have to concede there was no problem during undersigned's discussion with defense counsel on Thursday, October 13, 2022, but also no mention they would be filing a motion to compel the next day. Again, these appear to be non-issues and the motion more for public consumption than actual legal necessity.

Rule 5, SCRCrimP has limitations on what is required to be turned over to the defense – subject always to the mandates of Brady. The materiality standard of Rule 5(a)(1)(C) discussed above is one such limitation. That being said, the undersigned's practice is to turn over more than required by the Rule, and has been applying that practice to defense requests within the realm of reasonableness.

Rule 5(a)(2) of the Rules of Criminal Procedure also does not "authorize the discovery or inspection of reports, memoranda, or other internal prosecution documents made by the attorney for the prosecution or other prosecution agents in connection with the investigation or prosecution of the case".

**1. Testing results on Paul and Maggie's clothing**

Any DNA or GSR results in existence have been provided. In the event additional forensic results are generated, that analysis will be provided as soon as it is done. No issue.

**2. GSR lab results and bench notes**

GSR results have been provided. Defendant concedes in his motion that the State has already indicated the underlying data would be produced. Later, under section 8, the defense concedes the State has provided underlying bench notes and data whenever requested. The request was made during the collegial call on October 13, 2022, and accordingly the information will be provided. No issue yet again as the request itself concedes.

**3. Cell phone forensic analysis**

As noted before, the State has provided the defense with extensive cell phone records which they can analyze. Once any further analysis is completed that is discoverable, it will be timely provided. There is no issue.

**4. Complete autopsy file**

The autopsy report and photos were provided on August 31, 2022. The defense during the October 13, 2022 call asked for the underlying notes and the State agreed. The notes have been requested from MUSC and will be timely provided upon receipt. There is no issue.

**5. Documents and information related to State's retained crime scene expert**

The State has been providing and will timely provide all material and discoverable information regarding its crime scene expert. There is no issue.

**6. Documents and information related to blood stain analysis**

The State has been providing and will timely provide all material and discoverable information regarding its crime scene expert. There is no issue.

**7. Photos of Maggie's phone taken by CCSO and Solicitor's Office**

Photos taken by the Fourteenth Circuit Solicitor's Office were requested during the call on October 13, 2022, and were obtained and provided as of October 18, 2022. There is no issue.

**8. All SLED bench notes relating to all forensic evidence conducted**

The defense concedes the State has provided underlying bench notes and data whenever requested. The request for additional notes was made during the collegial call on October 13, 2022, and accordingly the information has been sought and will be provided. No issue yet again.

**9. All of Defendant's jail calls, which the State intends to offer into evidence**

Of course, Defendant should know what he said, and of course there have been no real calls since the bond hearing in which jail calls were discussed – just a number of long calls to defense counsel's office which the State has not reviewed. The State will provide jail calls that it has reviewed, but it has been exceptionally restrictive not to review calls, even though third parties were present, and thus will not provide those. It may be necessary for the Court to do a privilege review.

**10. Polygraph stim test and chart recordings**

As noted before, the request was made and these will be timely provided. Now that the request has been made for the other three, they will be obtained and provided as well. There is no issue.

**11. Audio and Video Recordings of Curtis Eddie Smith's interviews**

They have been provided. There is no issue.

**12. Return for Google Search Warrant 105**

This Office does not have this data yet but once received will be timely provided.

**13. SLED Interoffice Emails**

At the call on October 13, 2022, defense counsel and the State agreed that while it is not required to provide all interoffice emails, a Brady review will occur.

**14. CCSO and 14<sup>th</sup> Circuit Files**

As noted before, CCSO and 14<sup>th</sup> Circuit information has been provided, but a review with those agencies will occur and any information will be timely provided.

**15. Body worn camera data of Debbie McMillian and Grant Condor**

The body camera for Debbie McMillian was turned over August 31, 2022. To help the defense find the file name in the discovery they have had for months, it is entitled – “0061-Deborah McMillian 6-14-21 interview” (Bates label SGJ 43). The Grant Condor audio of the interview was turned over on June 9, 2022. The Condor body camera has been turned over as of October 19, 2022.

The second motion to compel is unnecessary and compulsion is not warranted. Additionally, not one shred of reciprocal discovery has been provided by the defense.

**III. MOTION TO STRIKE NOTICE OF ALIBI DEFENSE**

Finally, Defendant seeks to strike the notice of alibi defense. The motion has no merit.

The defense incorrectly asserts the State has not provided any information about the time of the murders. This is not true. As noted before the defense has already received three quarters of a terabyte of information. In State v. Benton, 435 S.C. 250, 865 S.E.2d 919 (Ct. App. 2021), the court noted that the State there had provided ample



discovery for the defense to review, and the defense clearly knew the date, time, and place of the crime. The court concluded that “finding the failure to include an exact time automatically renders an alibi request ineffective would be an overly technical application of Rule 5(e).” Id.

The indictments in this case clearly allege that Maggie and Paul were killed on June 7, 2021 in Colleton County. Defendant Alex Murdaugh made the 911 call at 10:06 p.m. and was at the kennels at the Moeselle property where the victims were lying when the law enforcement arrived. The fact that Maggie and Paul were killed at Moeselle on June 7, 2021 might be one of the most well-known facts in the State. Moreover, the State orally told defense counsel the parameters of time during the phone call.

However, if the defense needs further help for a start time, there is evidence of which the defense is well aware showing Defendant’s presence along with the victims at the crime scene at 8:44 p.m.

The motion is without merit and should be denied.

Respectfully submitted,

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10/19, 2022

COURTESY OF  
LUNA SHARK MEDIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

**UNITED STATES OF AMERICA** )  
) CRIMINAL NO. 9:23-396-RMG  
)  
**vs.** )  
)  
)  
**RICHARD ALEXANDER MURDAUGH** )  
)

**GOVERNMENT’S SENTENCING MEMORANDUM**

The Defendant, Richard Alexander Murdaugh, pleaded guilty to 22 financial crimes: conspiracy to commit wire fraud and bank fraud, in violation of 18 U.S.C. § 1349 (Count 1); bank fraud, in violation of 18 U.S.C. § 1344 (Count 2); wire fraud affecting a financial institution and wire fraud, in violation of 18 U.S.C. § 1343 (Counts 3 through 7); conspiracy to commit wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349 (Count 8); and money laundering, in violation of 18 U.S.C. § 1956 (Counts 9 through 22). The United States Probation Office (“USPO”) prepared a presentence report (“PSR”) outlining an advisory guideline range of 210 to 262 months. Murdaugh will be sentenced on April 1, 2024.

Murdaugh has submitted two objections to the PSR, challenging the loss amount and criminal history calculations. Neither objection has merit.

The Government addresses the statutory sentencing factors below but defers a recommendation on the appropriate sentence pending resolution of the Government’s motion to hold Murdaugh in breach of his plea agreement.<sup>1</sup> Dkt. 65.

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<sup>1</sup> Unless and until the Court holds Murdaugh breached the plea agreement, the Government remains bound by the recommendation “that the sentence imposed on these charges be served concurrent to any state sentence imposed for the same conduct.” Dkt. 37, ¶ 7; see *United States v. Simmons*, 537 F.2d 1260, 1261 (4th Cir. 1976) (holding that Government cannot unilaterally

## I. The Presentence Report

The PSR calculated an advisory guideline range of 210 to 262 months, based on a Total Offense Level 34 and a Criminal History Category IV. It found that between September 2005 and October 2021, Murdaugh used his position as a personal injury attorney to steal \$10,901,547.32 in settlement proceeds from his clients and his law firm. PSR ¶ 107. He laundered at least \$6,140,181.77 of the stolen funds through bank accounts he called “Forge,” to make it appear that the funds were being transferred into legitimate accounts run by Forge Consulting, LLC. PSR ¶¶ 33, 107. The PSR found he stole from more than ten victims as a part of his role in leading and/or organizing a jointly undertaken criminal activity with Russell Laffitte, Cory Fleming, and Chris Wilson during their participation in the conspiracy. PSR ¶ 108. It found the offenses involved complex or especially intricate conduct during both their execution and their concealment. PSR ¶ 108. And it found that Murdaugh’s role as the victims’ attorney significantly facilitated the commission and concealment of the sophisticated scheme. PSR ¶ 108. The PSR imposed enhancements for affecting more than ten victims; victimizing vulnerable individuals; abusing a position of trust as a lawyer; using sophisticated means; and being an organizer and leader. PSR ¶¶ 142–173.

## II. Government’s Response to Murdaugh’s Objections to the Presentence Report

Murdaugh submitted two objections to the PSR. First, he argues that the loss amount improperly includes a \$729,000 fee he claims he repaid and that it should be substantially reduced to account for money he claims he would have received from his law firm under his Employment

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determine that a defendant has breached plea agreement); *United States v. Wilson*, 841 F. App’x 571, 575 (4th Cir. 2021) (unpublished) (“[T]he government may be relieved of its obligations under a plea agreement only after a hearing and a district court finding that the defendant has breached.”).

Agreement. Second, Murdaugh contends that the PSR improperly attributed three criminal history points for his conviction of a state tax offense.<sup>2</sup> *Def.'s Objs.* The USPO declined to revise the loss amount or criminal history category in response to Murdaugh's objections. The Court should overrule Murdaugh's objections and find that the PSR correctly calculated the guideline range to be 210 to 262 months.

**A. The PSR Correctly Calculated the Loss Amount**

The PSR attributed a total loss of \$10,901,547.32, including \$1,481,935.49 Murdaugh stole from the law firm and \$9,419,611.83 he stole from individual clients. PSR ¶ 106. Murdaugh raises two challenges to the loss amount attributed for theft from the law firm. *Def.'s Obj.* Both are contrary to law and logic.

**i. \$792,000 Faris Fee**

The PSR correctly holds Murdaugh accountable for a \$792,000 theft from his law firm, Peters Murdaugh Parker Eltzroth & Detrick ("PMPED"). PSR ¶ 106. The \$792,000 relates to a personal injury case known as the "Faris" case, in which Murdaugh's friend and fellow attorney Chris Wilson associated Murdaugh. PSR ¶¶ 96–97. Murdaugh and Wilson obtained a large recovery for the client and received substantial attorneys' fees. *Id.* Wilson's law firm paid PMPED directly for expenses incurred on the case, but PMPED never got a check for Murdaugh's legal fees. PSR ¶ 96. Murdaugh admits in his objections that the \$792,000 fee owed to PMPED was "diverted to Murdaugh personally." *Def.'s Obj.*

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<sup>2</sup> In his objections, Murdaugh also claims that he has not had an opportunity to confirm the accuracy of information in the PSR with respect to some of the losses dating back to 2005. *Def.'s Objs.* On December 12, 2023, the Government produced all of the documentation supporting this loss calculation to defense counsel.



In the Spring of 2021, employees at the law firm began to ask questions about the missing fee, fearing that Murdaugh was trying to hide assets to lessen his exposure in litigation related to a 2019 boating accident involving his son. PSR ¶ 96. PMPED employees questioned Murdaugh and Wilson's employees about the missing fees. PSR ¶ 96. On June 7, 2021, after several months without answers from Murdaugh and Wilson's staff, a law firm employee confronted Murdaugh about the missing funds, demanding proof that he did not have them. PSR ¶ 97. Their conversation was interrupted when Murdaugh received a phone call about his terminally ill father. PSR ¶ 97. That night, Murdaugh's wife and son were murdered.<sup>3</sup> PSR ¶ 97.

On July 19, 2021, in response to the law firm's persistent inquiries regarding the missing fees, Wilson emailed Murdaugh to confirm that the \$792,000 was in his trust account. PSR ¶ 97.

In September 2021, after PMPED uncovered Murdaugh's decades of thefts, Wilson finally paid the law firm the \$792,000 it was owed from the Faris case. PSR ¶ 97.

Murdaugh claims that the \$792,000 should not be attributed as loss because it was paid back to the law firm before detection. *Def.'s Obj.* But he did not return any part of the \$792,000 before detection, and his objection should be overruled.

U.S.S.G. § 2B1.1, Application Note 3(E)(i) provides that loss should be reduced by money returned by the defendant (or other persons acting jointly with the defendant) to the victim *before the offense was detected*. The time of detection of the offense is the earlier of (i) the time the offense was discovered by the victim or (ii) the time the defendant knew or reasonably should have known that the offense was detected or about to be detected by a victim or government agency. *Id.*

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<sup>3</sup> Murdaugh was convicted of their murders in March 2023 and sentenced to Life in prison. PSR ¶ 126.

Murdaugh claims he returned \$600,000 to Wilson so Wilson could pay PMPED, *Def.'s Obj.*, but the only reason the money was paid back into Wilson's trust account was because the law firm had detected Murdaugh's diversion of the funds. Murdaugh was confronted on June 7, 2021, by a firm employee demanding proof that he did not have the missing funds. PSR ¶ 97. The money Murdaugh admits was diverted to him personally, *Def.'s Obj.*, was paid back into Wilson's trust account *after* that confrontation, and after months of law firm employees' attempts to locate the missing fees. PSR ¶¶ 96–97. More importantly, the law firm—the victim of the theft—was not paid until September, after they uncovered Murdaugh's crimes.<sup>4</sup> The loss amount should not be reduced under § 2B1.1, Application Note 3(E)(i).

**ii. Other Stolen Fees**

The PSR also correctly holds Murdaugh accountable for \$1,481,935.49 in fees that he stole from PMPED. PSR ¶ 106. Murdaugh claims that amount should be reduced by 92.5% because, under the law firm's compensation package, PMPED would have only retained 7.5% of Murdaugh's fees. *Def.'s Objs.* But Murdaugh breached his Employment Agreement with the law firm by stealing from his clients and from the firm. The Government intends to call Ronnie Crosby, a partner at the law firm, to testify about the firm's Employment Agreement, its compensation structure, and the actions the firm took once Murdaugh's thefts were uncovered. Crosby's testimony will establish that after Murdaugh breached the Employment Agreement, he was not entitled to keep any portion of the stolen fees.<sup>5</sup>

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<sup>4</sup> If necessary, the Government is prepared to present testimony from FBI Forensic Accountant Cyndra Swinson regarding the movement of \$792,000 out of and back into Wilson's trust account and Wilson's subsequent payment to the law firm in September 2021.

<sup>5</sup> The Government intends to submit a copy of PMPED's Employment Agreement as an exhibit during the sentencings. Under PMPED's compensation structure, all attorneys' fees are owed to the law firm directly. At the end of the year, a percentage is collected to cover overhead, and the remaining income is paid out to the partners. Murdaugh agreed to "devote his full time, attention,

Murdaugh clearly—and repeatedly—breached the Employment Agreement. In six cases, he stole from both his client and the law firm. PSR ¶ 106. He stole from the firm in two more cases. PSR ¶ 106. Stealing client settlement funds violated the express terms of the Employment Agreement, as did Murdaugh’s theft from the firm itself. *See* PSR ¶ 106.

Crosby’s testimony will establish that, had the firm uncovered Murdaugh’s thefts sooner, it would have immediately terminated him. Indeed, after uncovering Murdaugh’s thefts in September 2021, Murdaugh’s partners immediately confronted him and he resigned from the law firm, terminating his employment agreement. The law firm thereafter issued a statement notifying the public that Murdaugh violated the law firm’s standards and policies. Murdaugh did not receive any distributions that year, and the law firm spent millions repaying Murdaugh’s victims and defending lawsuits related to his conduct.

Murdaugh’s claim is essentially that he should not be held accountable for the whole sum he stole from the firm because—if he hadn’t stolen from the firm—he would have been able to keep 92.5% of the money. This counterfactual need not be entertained. Murdaugh *did* steal from the firm. By doing so, he breached his Employment Agreement. And it strains reason to suggest that the firm would have pretended he didn’t and paid him anyway. The loss amount should not be reduced.

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energy, skill, loyalty, and best efforts to his duties . . . in a manner that will faithfully and diligently further the business and best interests of [the law firm] and will at all times adhere to the Rules of Professional Conduct and all policies and procedures of [the law firm].” *Id.* The law firm had the right to terminate Murdaugh if he breached or defaulted in the fulfillment of any material provision of the agreement, was disbarred from the practice of law, or performed an intentional act that could be reasonably expected to damage the reputation or assets of the law firm. *Id.* at 2.

## B. Criminal History Score

The PSR correctly assigns Murdaugh three criminal history points for a state tax-evasion conviction. PSR ¶ 125. Contrary to Murdaugh's claim, his state tax crime is not relevant conduct. It was distinct criminal conduct with different elements and different victims charged by a different sovereign. Murdaugh's objection should be overruled.

Under U.S.S.G. § 4A1.1(a), three criminal history points are added "for each prior sentence of imprisonment exceeding one year." A "prior sentence" is "any sentence previously imposed" for "conduct *not* part of the instant offense." U.S.S.G. § 4A1.2(a)(1) (emphasis added). A prior conviction *is* part of the instant offense if the conduct would be considered relevant conduct under § 1B1.3. U.S.S.G. § 4A1.2. So Murdaugh's state tax conviction is only point-countable if it is not relevant conduct. It is not relevant conduct, and the points were properly assigned.

The critical inquiry in determining whether a prior conviction is relevant conduct is whether the prior conduct is a "severable, distinct offense" from the offense of conviction. *See United States v. Dion Thomas*, 760 F.3d 879, 891 (8th Cir. 2014); *United States v. James Thomas*, 973 F.2d 1152, 1158 (5th Cir. 1992); *United States v. Blumberg*, 961 F.2d 787, 792 (8th Cir. 1992); *United States v. Beddow*, 957 F.2d 1330, 1338 (6th Cir. 1992). To make that finding, courts consider temporal and geographic proximity, whether the offenses had common victims, whether the prior conviction is used to prove the instant offense, whether there is continuity between the two offenses, and whether the same sovereign prosecuted the prior conviction. *See United States v. Smith*, 944 F.3d 1013, 1016 (8th Cir. 2019); *Dion Thomas*, 760 F.3d at 891 (citing *United States v. Pepper*, 747 F.3d 520, 526 (8th Cir. 2014)).

A recent Eighth Circuit opinion is instructive. *See United States v. Smith*, 944 F.3d 1013, 1016 (8th Cir. 2019). In *Smith*, the defendant argued his prior tax conviction was not point-

countable because it was relevant conduct to his wire-fraud conviction. *Id.* The Eighth Circuit disagreed. *Id.* “Although the two convictions share[d] the same time period, they differ[ed] significantly in relation to other important considerations.” *Id.* at 1016–17. The two offenses did not share the same victims, scheme, or indictment; the tax conviction was not used to prove the wire-fraud conviction; and the record reflected no nexus between the former and latter convictions. *Id.* The prior conviction was therefore not relevant conduct.

Like in *Smith*, Murdaugh’s state tax crime was a “severable, distinct offense” from his federal crimes. The state and federal convictions resulted from separate charging documents filed at different times by separate sovereigns. *See id.* at 1017. The victims of Murdaugh’s federal crimes were individual clients and the law firm, while the victim of his state tax crime was the State of South Carolina. Murdaugh’s evasion of state taxes was not used to establish his guilt on any of the federal offenses. And although the state tax offense was committed in the middle of Murdaugh’s decades of federal financial crimes, “a defendant is not entitled to merge all criminal activities simply because these activities occurred over a single span of time, or out of a common base of operations.” *United States v. Torres-Diaz*, 60 F.3d 445, 448 (8th Cir. 1995). Murdaugh’s state tax crime is not relevant conduct.

Murdaugh argues that it is relevant conduct, because his federal fraud and state tax crimes are “offenses of a character for which § 3D1.2(d) would require grouping of multiple counts.” *Def.’s Obj.* Under the relevant conduct guideline, for “offenses of a character for which § 3D1.2(d) would require grouping of multiple counts,” relevant conduct includes acts and omissions “that were part of the same course of conduct or common scheme or plan as the offense of conviction.” U.S.S.G. § 1B1.3(a)(2). Murdaugh argues his *state* tax crime would be “properly grouped” with his *federal* fraud offenses under § 3D1.2(d) because they were all “part of a single continuous



course of criminal activity involving the same proceeds obtained through the fraud offense conduct.” *Def.’s Obj.* His claim is without merit.

There is simply no avenue to group Murdaugh’s state crime with his federal offenses. The grouping rules “apply to multiple counts of conviction (A) contained in the same indictment or information; or (B) contained in different indictments or informations for which sentences are to be imposed at the same time or in a consolidated proceeding.” U.S.S.G. Chap. 3, Part D, Introductory Commentary. Murdaugh’s sentencing presents neither situation. His state tax and federal fraud crimes were not charged or sentenced together, and they cannot be grouped.<sup>6</sup>

The cases Murdaugh relies on are inapposite—neither involves a relevant conduct analysis anything like the one here. He cites a Second Circuit case holding *federal* tax evasion and mail fraud offenses are properly grouped under § 3D1.2(d) because both “follow offense level schedules that trigger substantially identical offense level increments based on the amount of loss.” *Id.* (citing *United States v. Petrillo*, 237 F.3d 119, 125 (2d Cir. 2000)). Because this Court is not sentencing Murdaugh for his state crime, that crime has no offense level schedule to follow. There is thus no need to harmonize an offense level for the state crime with the offense level for the federal crimes. *Petrillo*’s analysis is irrelevant.

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<sup>6</sup> Even if state and federal offenses could somehow be grouped, Murdaugh’s assertion that his tax crime would be grouped with his fraud crimes because the state crime doesn’t involve “significant additional criminal conduct,” *Def.’s Obj.*, is far from clearly established. The Third, Fourth, Sixth, and Tenth Circuits have all held federal tax evasion should not be grouped with mail fraud, wire fraud, or money laundering counts. See *Weinberger v. United States*, 268 F.3d 346, 354–55 (6th Cir. 2001) (rejecting grouping of tax evasion and mail fraud counts); *United States v. Morris*, 229 F.3d 1145, 2000 WL 1260162 (4th Cir. 2000) (Table) (no error in refusing to group money laundering and tax evasion counts); *United States v. Vitale*, 159 F.3d 810, 813–15 (3d Cir. 1998) (declining to group wire fraud and tax evasion); *United States v. Peterson*, 312 F.3d 1300, 1303 (10th Cir. 2002) (declining to group mail fraud and tax evasion, recognizing two offenses involve different to distinct victims “because society is harmed by tax evasion, whereas an individual is harmed by mail fraud”).

Murdaugh also cites a Fifth Circuit case holding *federal* tax evasion and mail fraud counts should have been grouped under § 3D1.2(c) because the fraud offense enhanced the offense level for the tax offense.<sup>7</sup> *Id.* (citing *United States v. Haltom*, 113 F.3d 43, 46 (4th Cir. 1997)). The offenses had to be grouped “to avoid punishing [the defendant] twice for mail fraud.” *Haltom*, 113 F.3d at 47. Murdaugh’s state crime has not been factored into his Guidelines calculation at all. So he does not need grouping to avoid double-counting of the conviction; he needs grouping to avoid having it counted at all. *Haltom* is unhelpful to him. His state and federal offenses cannot be grouped.

From there, the rest of Murdaugh’s relevant conduct argument unravels. The offenses cannot be grouped under § 3D1.2(d), so the definition of relevant conduct he relies on from § 1B1.3(a)(2)—which encompasses acts or omissions “that were part of the same course of conduct or common scheme or plan as the offense of conviction”—does not apply. And the key question for the Court is not, as Murdaugh asserts, whether the fraud and tax offenses were “part of the same course of conduct.” *See Def.’s Obj.* As set forth above, the determinative legal issue is instead whether the state tax crime and federal offenses are “severable, distinct” crimes. They are, and Murdaugh’s objection should be overruled.

One final point bears mentioning. Murdaugh’s scheme to defraud South Carolina by willfully failing to pay state taxes has not been accounted for in any aspect of the Offense Conduct portion of the PSR or the Offense Level Computation. Instead, it was appropriately taken into account as part of his criminal history. And criminal history is, of course, “directly relevant” to the

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<sup>7</sup> Notably, Murdaugh’s relevant conduct argument under § 1B1.3(a)(3) hinges on the Court finding his state crime would be grouped with his federal crimes under § 3D1.2(d), not § 3D1.2(c). *See* § 1B1.3(a)(3) (applying “solely with respect to offenses of a character for which § 3D1.2(d) would require grouping”). *Haltom* is therefore irrelevant.

purposes of sentencing. U.S.S.G. Chap. 4, Part A, Introductory Commentary. “General deterrence of criminal conduct dictates that a clear message be sent to society that repeated criminal behavior will aggravate the need for punishment with each recurrence.” *Id.* The Guidelines require courts to consider criminal history “[t]o protect the public from further crimes of the particular defendant” and reduce “the likelihood of recidivism and future criminal behavior.” *Id.* Construing Murdaugh’s state tax crime to be relevant conduct—making it non-point-countable—would essentially “wash away” that crime from his federal sentencing. PSR Addendum at 8 (quoting *United States v. Vitale*, 159 F.3d 810 (3d Cir. 1998)). Unlike true relevant conduct, it wouldn’t be factored into his Offense Level Computation *or* his criminal history score. Murdaugh should not be given the windfall that would result from escaping accountability for his state crime in his federal sentencing.

### **III. Sentencing Factors**

Title 18 U.S.C. § 3553(a) sets forth the sentencing factors that a court must consider in fashioning a sentence that is sufficient but not greater than necessary to serve the purposes of sentencing. Those factors include the nature and circumstances of the offense, the history and characteristics of the defendant, and the needs for the sentence to promote respect for the law, provide just punishment, afford adequate deterrence, and protect the public from future crimes of the defendant.

#### **a. Nature and Circumstances of the Offense**

Murdaugh spent more than fifteen years spinning a complex web of exploitation, manipulation, and deceit—preying on highly vulnerable victims in pursuit of his own personal gain. Beginning in at least September 2005 and continuing until September 2021, Murdaugh devised and executed a scheme to defraud and to obtain money owed to his clients and his law

firm. Murdaugh's scheme evolved over the years to avoid detection and capitalize on every opportunity to increase his cash flow. PSR ¶¶ 71–106. He:

- Drafted, and directed law firm employees to draft, disbursement sheets diverting settlement funds to his personal bank accounts;
- Claimed funds that were held in the law firm's trust account to satisfy liens on clients' settlement funds as attorney's fees and then directed the disbursement of those funds for his personal benefit;
- Claimed and collected attorney's fees on fake or nonexistent annuities;
- Created fraudulent "expenses" that were never incurred on client matters and directed the disbursement of settlement funds to pay the cited costs, including claimed medical expenses, construction expenses, and airline expenses;
- Directed other associated attorneys to disburse attorney's fees directly to him; and
- Intercepted insurance proceeds intended for beneficiaries and deposited them directly into his personal account.

PSR ¶¶ 27–29.

Murdaugh owned and controlled bank accounts intentionally disguised as accounts for Forge Consulting. PSR ¶¶ 31–36. He used these accounts to hide the source and destination of his ill-gotten gains and to funnel millions in stolen money into his pockets. Then he laundered the money through cash transactions, transferring funds to other personal bank accounts, making credit card payments, and issuing checks to other people. PSR ¶ 105.

But Murdaugh did not act alone. He enlisted others to facilitate, further, and conceal his crimes, exploiting his position in the community, the power of his law firm, and his personal relationships—all to enrich himself and his friends. Beginning in 2011, Murdaugh recruited Russell Laffitte, a personal friend and banker, to serve as a fiduciary for some of Murdaugh's most vulnerable clients: Hannah and Alania Plyler, Natasha Thomas, Hakeem Pinckney, and Arthur Badger. Together, they stole \$2,094,826.54 in fees and settlement proceeds from Thomas,

Pinckney, and Badger. And they extended themselves more than \$1 million in loans from the conservatorship Laffitte was charged with managing for Hannah Plyler. PSR ¶¶ 71–73.

Thomas was a young girl recovering from severe injuries sustained in a car accident. Pinckney had passed away after being rendered a quadriplegic in the same accident. Badger was left to raise six young children after burying his wife. PSR ¶¶ 74–80. Murdaugh’s victims trusted him to vindicate their interests and right their wrongs—not to subject them to additional suffering and harm.

Murdaugh’s scheme with Laffitte was just one piece of the puzzle. Murdaugh and his close friend and fellow attorney Cory Fleming victimized other vulnerable clients. PSR ¶¶ 82–95. Ms. Pamela Pinckney, Hakeem’s mother, suffered severe injuries in the car accident that rendered her son a quadriplegic. She relied on and trusted Murdaugh and Fleming while she cared for her son, who later died from complications related to the accident. PSR ¶¶ 82–83. From 2012 to 2017, Murdaugh and Fleming diverted Ms. Pinckney’s settlement funds to enrich themselves, including by chartering flights to the College Baseball World Series. *Id.*

In 2018, Murdaugh and Fleming conspired again to steal from vulnerable victims: the children of Murdaugh’s housekeeper. PSR ¶ 84. Gloria Satterfield fell at Murdaugh’s home and died a few weeks thereafter. PSR ¶ 84. Murdaugh convinced Fleming to represent Satterfield’s sons and sue Murdaugh to recover on his homeowner’s insurance policy. *Id.* But rather than uphold his duties to her sons, Fleming assisted Murdaugh by diverting more than \$250,000 in settlement funds for Fleming and Murdaugh’s personal gain. PSR ¶¶ 84–95. Together, they lied to Satterfield’s sons, the court, opposing counsel, and the insurance company, and they falsified settlement documents. *Id.* Ironically, Murdaugh also lied to Fleming by hiding the full scope of



the scheme. Murdaugh stole more than \$4.3 million from Satterfield's sons, who never received a penny following their mother's death. *Id.*

The Government's investigation revealed that Murdaugh victimized more than 25 individuals and their families and loved ones—in addition to his thefts from his law partners and family members. PSR ¶¶ 104, 106. Many of Murdaugh's victims have been publicly identified in court proceedings. But the Government has talked to Murdaugh's many other victims, most of whom are understandably reticent to relive their most difficult moments and do not wish to be publicly identified.

To highlight the breadth, scope, and severity of Murdaugh's scheme beyond his thefts from Thomas, Pinckney, Badger, and the Satterfields, and to give a voice to the additional victims, the Government briefly summarizes the loss sustained by the remaining victims:

- a. LB: In September 2005, Murdaugh obtained a \$750,352.74 recovery on behalf of his client. He filed an undated false disbursement sheet in the Allendale Court of Common Pleas and diverted a total of \$292,179.17 in settlement proceeds meant for the client to his own personal use. He also withheld an additional \$2,030.89 in overcharged attorney fees.
- b. HH: Murdaugh obtained a \$1,004,542.32 total recovery on behalf of his client. In November 2008, he filed a false disbursement sheet in the Colleton County Court of Common Pleas and diverted \$50,000.00 in settlement proceeds meant for the client to his own personal use.
- c. BJ: Murdaugh obtained a \$350,000.00 recovery on behalf of his client and withheld \$35,000.00 for payment of a medical lien. Unbeknownst to the client, Murdaugh negotiated the lien down to \$18,971.42. And in December 2009, Murdaugh diverted the remaining \$15,893.58 to overcharged attorney fees.
- d. GS as PR: Murdaugh obtained a \$500,000.00 recovery on behalf of his client, consisting of \$333,333.34 meant for the client and \$166,666.66 meant for PMPED legal fees and advanced costs. In March 2010, Murdaugh filed a false disbursement sheet in the Hampton County Court of Common Pleas purporting a \$900,000.00 recovery with \$300,000.00 in associated legal fees—overstating the fees he was owed by \$133,333.34. Then he diverted an additional \$36,000.00 of settlement proceeds to his personal use.
- e. YF: Murdaugh obtained a \$55,000.00 recovery on behalf of his client. He filed an undated false disbursement sheet in the Colleton County Court of Common Pleas which instead reflected a recovery of only \$25,000.00. Between September and December 2010, Murdaugh

diverted the remaining \$30,000.00 of settlement proceeds meant for the client to his personal use.

- f. CC as PR: Murdaugh obtained a \$585,000.00 recovery on behalf of his client. In December 2010, he filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$20,000.00 of settlement proceeds meant for the client to his personal use. He also illegally diverted an additional \$8,400.00 to a friend.
- g. JV: Murdaugh and Wilson obtained a \$500,000.00 recovery on behalf of their client. As in the Faris case, in December 2014, Wilson wrote a check for \$100,000.00 in legal fees meant for PMPED directly to Murdaugh. That allowed Murdaugh to divert the legal fees to his personal use.
- h. ER: Murdaugh and Wilson obtained a \$1,098,326.83 recovery on behalf of their client. In January 2015, Murdaugh withheld \$7,500.00 from the settlement proceeds for a false payment to Medical Resources for an expert retainer fee.
- i. DM: Murdaugh obtained a \$1,700,000.00 total recovery on behalf of the client. In August 2015, he falsely represented on a disbursement sheet filed in the Allendale County Court of Common Pleas that \$2,000,000.00 was recovered, \$500,00.00 of which would be sent to Forge Consulting for a structured annuity. None of the \$1,700,000.00 was ever sent to Forge Consulting.

After using the recovery to pay legal fees, advanced costs, liens, and medical bills, Murdaugh diverted a total of \$383,056.14 of the client's settlement funds to his personal use. He also made fraudulent payments of \$17,500.00 purportedly for a doctor and \$7,500.00 to Medical Resources. And he withheld an additional \$200,000.00 in overcharged attorney fees.

- j. JB: Murdaugh obtained a \$1,200,000.00 recovery on behalf of his client. In December 2015, he filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$95,000.00 of settlement proceeds meant for the client to his personal use. An additional \$7,500.00 in advanced costs collected for purported payments made to a medical provider were fraudulent.
- k. RD: Murdaugh obtained a \$65,000.00 recovery on behalf of his client. In August 2016, he filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$9,569.30 of settlement proceeds meant for the client to his personal use.
- l. JR: Murdaugh obtained a \$1,225,258.10 recovery on behalf of his client. Between August 2016 and November 2019, he filed false disbursement sheets in the Hampton County Court of Common Pleas and diverted a total of \$95,541.17 of settlement proceeds meant for the client to his personal use.
- m. JJ: Murdaugh obtained a \$812,500.00 recovery on behalf of his client. Between August and September 2018, he filed false disbursement sheets in the Beaufort County Court of Common Pleas and diverted a total of \$150,000.00 of settlement proceeds meant for the client to his personal use.

- n. MD: Murdaugh obtained a \$250,000.00 recovery on behalf of his client. In October 2018, he filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$19,500.00 of settlement proceeds meant for the client to his personal use.
- o. AH: Murdaugh obtained a \$897,500.00 total recovery on behalf of the client. In December 2018, he filed a false disbursement sheet in the Allendale Court of Common Pleas and diverted \$148,073.46 of settlement proceeds meant for the client and \$77,000.00 of legal fees meant for PMPED to his personal use.
- p. BB: Murdaugh obtained a \$355,693.00 total recovery on behalf of the client. In February 2019, he filed false disbursement sheets and diverted the entire settlement—\$354,334.48 of client settlement funds and \$1,358.52 of PMPED legal fees—to his personal use.
- q. AG as PR: Murdaugh obtained a \$2,225,000.00 recovery on behalf of the client. On April 9, 2019, Murdaugh filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$112,500.00 of settlement proceeds meant for the client to his personal use.
- r. CA: Murdaugh obtained a \$1,745,606.00 total recovery on behalf of his client. In February 2020, he filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$450,000.00 of settlement proceeds meant for the client and \$300,000.00 legal fees meant for PMPED to his personal use.
- s. EM as PR: Murdaugh obtained a \$183,528.00 recovery on behalf of his client, consisting of \$136,740.20 meant for the client and \$46,787.80 meant for PMPED legal fees and advanced costs. In December 2020, he filed a false disbursement sheet in the Hampton County Court of Common Pleas and diverted \$152,866.00 of settlement funds to his personal use. The remaining balance was disbursed for attorney fees, leaving the client with none of the settlement proceeds.
- t. TM: Murdaugh obtained a \$125,000.00 recovery on behalf of his client consisting of \$75,000.00 meant for the client and \$50,000.00 meant for PMPED legal fees. In January 2021, Murdaugh filed an undated false disbursement sheet in the Orangeburg County Court of Common Pleas which falsely reflected \$125,000.00 was disbursed to “Forge.” Murdaugh instead diverted the entire settlement for his personal use.
- u. BK as PR: Murdaugh obtained a \$633,168.96 recovery on behalf of his client. Between December 2020 and May 2021, he filed false disbursement sheets in the Colleton County Court of Common Pleas and diverted a total of \$60,411.66 of settlement proceeds meant for the client and \$114,789.17 of legal fees meant for PMPED to his own personal use.

In his sentencing memorandum, Murdaugh minimizes the loss sustained by the victims, arguing that he should receive some benefit because the victims have been made financially whole. Dkt. 69, at 13. He even goes so far as to claim that, in light of their financial recoveries, the victims are better off now than they would have been had he not stolen from them. *Id.* Murdaugh has never

made his victims whole, financially or otherwise, nor has he made any efforts to do so. This Court should not give him the benefit of others bearing the financial fallout of his crimes. The severity of the nature and circumstances of his crimes cannot be overstated.

**b. History and Characteristics of the Defendant**

Murdaugh appeared to live an upstanding life, both personally and professionally. But in reality, he spent most of his career deceiving everyone in his personal and professional circles—unburdened by his own conscience. The scope and pervasiveness of Murdaugh’s deceit is staggering. He ranks as one of the most prolific fraudsters this state has ever seen. When the house of cards began to fall, Murdaugh murdered his wife and son.

Facing the mountain of evidence against him, Murdaugh pleaded guilty to all of the conduct outlined above and agreed to fully cooperate with the Government and FBI. Dkt. 37. Murdaugh has taken responsibility for his own conduct and admitted the roles that Cory Fleming and Russell Laffitte played in his schemes. But more than \$6 million in stolen settlement proceeds remains unaccounted for.

**c. Need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment, afford adequate deterrence, and protect the public.**

Murdaugh is currently serving two consecutive life sentences for the murders of his wife and son. PSR ¶ 126. He has also been convicted of and sentenced for state offenses related to his schemes to defraud his clients, law firm, and others. PSR ¶¶ 118–125. Murdaugh was sentenced to 5-, 10-, and 20-year concurrent terms and one consecutive 7-year term for those financial crimes. *See* Exhibit 1, Murdaugh SCDC Conviction Summary; PSR ¶¶ 120–126. According to the South Carolina Department of Correction’s office of general counsel, Murdaugh’s projected “max-out”

date on the concurrent sentences is July 9, 2039. Exhibit 1. His projected “max-out” date on the consecutive sentence is June 18, 2045. Exhibit 1.

Although Murdaugh has been sentenced in state court for financial crimes related to his schemes to defraud, he has not yet been held accountable for the full scope of his thefts. Importantly, Murdaugh was not convicted of or sentenced in state court for any conduct related to 11 victims outlined above: LB, HH, BJ, GS as PR, YF, CC as PR, JV, ER, MD, AH, and BB. *See* PSR ¶¶ 120–126. The loss associated with those victims alone is nearly \$1.3 million. *See* PSR ¶ 106. If Murdaugh were to be sentenced solely on that conduct, his applicable guideline range would be 110-137 months.<sup>8</sup>

For decades, Murdaugh went to unimaginable lengths—deceiving, defrauding, and stealing—to enrich himself. His victims, his family, and his former law partners have suffered consequences that will follow them for the rest of their lives. His crimes have sowed seeds of distrust in the legal profession, the judiciary, and the banking system in South Carolina and across the nation. The fact that those crimes were conducted under the auspices of a law license is disgraceful. His sentence must reflect the seriousness of his conduct and provide just punishment for it. It must promote the public respect for the law that Murdaugh has so seriously undermined. And it must provide adequate deterrence and protect the public from those, like Murdaugh, who would abuse their positions of trust for their own gain.

[SIGNATURE PAGE TO FOLLOW]

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<sup>8</sup> Base Offense Level 7 (§ 2B1.1(a)(1)(B)) + 14 (§ 2B1.1(b)(1) more than \$550,000 but less than \$1.5 million) + 2 (§ 2B1.1(b)(2)(A)(i) 10 or more victims) + 2 (§ 2B1.1(b)(10)(C) sophisticated means) + 2 (§ 3A1.1(b)(1) vulnerable victim) + 2 (§ 3B1.3 position of trust) + 2 (§ 3B1.1(c) organizer/leader) = 31 – 3 (acceptance) → Total Offense Level 28. With Criminal History Category IV, Murdaugh’s applicable guideline range would be 110-137 months.

Respectfully submitted,

ADAIR F. BOROUGHS  
UNITED STATES ATTORNEY

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March 28, 2024

COURTESY OF  
LUNA SHARK MEDIA



CMTI100D SDC OFFENDER MANAGEMENT SYSTEM 03/26/24  
OMCOMITA COMMITMENT APPLICATION C057846  
CONVICTION SUMMARY

SCDC# > 390394 CURR LOC: MCCORMIC  
MURDAUGH, RICHARD ALEXANDER SCDC CLASSIFICATION.: VIOLENT  
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	PROJ COMP	STAT	IND	CONV	VIO
		YRS	MO	DYS	DATE	START				
S00001	MURDER	999	99	999	03/03/23	07/20/22	99/99/9999	AC	V	V
* S00002	MURDER	999	99	999	03/03/23	07/20/22	99/99/9999	AC	V	V
S00026	TAX LAW EVASION	005	00	000	11/28/23	07/13/22	06/14/2025	AC	N	N
S00025	OBT GOODS FALSE >= \$	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00024	SECURITIES UNLAW ACT	020	00	000	11/28/23	07/13/22	07/09/2039	AC	N	N
S00023	CRIMINAL CONSPIRACY	005	00	000	11/28/23	07/13/22	06/14/2025	AC	N	N
S00022	BOT FRAUD IN>\$10,000	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00021	BOT FRAUD IN>\$10,000	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00020	BOT FRAUD IN>\$10,000	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00019	SECURITIES UNLAW ACT	007	00	000	11/28/23	07/13/22	06/18/2045	AC	N	N
S00018	BOT FRAUD IN>\$10,000	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00017	CPT CRIME 1ST (ENHANC	005	00	000	11/28/23	07/13/22	06/14/2025	AC	N	N
S00016	FORGERY/VAL \$10K OR	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N

PAGE: 0001

PF3-ADD PF4-MODIFY/RVK PF5-ADD DUPL PF6-DISP CONSEC PF9-DETAIN PF12-SUMRPT

COURTESY OF  
LUNA SHARK MEDIA

CMTI100D SDCDC OFFENDER MANAGEMENT SYSTEM 03/26/24  
OMCOMITA COMMITMENT APPLICATION C057846  
CONVICTION SUMMARY

SCDC# > 390394 CURR LOC: MCCORMIC  
MURDAUGH, RICHARD ALEXANDER SCDC CLASSIFICATION.: VIOLENT  
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION	OFFENSE	INCARC	SENT	SENT	SENT	CONV	VIO			
			YRS	MO	DYS	DATE	START	PROJ	COMP	STAT	IND
S00015	SECURITIES	UNLAW ACT	020	00	000	11/28/23	07/13/22	07/09/2039	AC	N	N
S00014	SECURITIES	UNLAW ACT	020	00	000	11/28/23	07/13/22	07/09/2039	AC	N	N
S00013	BOT FRAUD	IN<\$10,000	005	00	000	11/28/23	07/13/22	06/14/2025	AC	N	N
S00012	BOT FRAUD	IN>\$10,000	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00011	SECURITIES	UNLAW ACT	020	00	000	11/28/23	07/13/22	07/09/2039	AC	N	N
S00010	SECURITIES	UNLAW ACT	020	00	000	11/28/23	07/13/22	07/09/2039	AC	N	N
S00009	OBT GOODS	FALSE >= \$	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00008	BOT FRAUD	IN>\$10,000	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00007	OBT GOODS	FALSE >= \$	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00006	OBT GOODS	FALSE >= \$	010	00	000	11/28/23	07/13/22	04/18/2028	AC	N	N
S00005	SECURITIES	UNLAW ACT	020	00	000	11/28/23	07/13/22	07/09/2039	AC	N	N

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PF3-ADD PF4-MODIFY/RVK PF5-ADD DUPL PF6-DISP CONSEC PF9-DETAIN PF12-SUMRPT

COURTESY OF  
LUNA SHARK MEDIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

- - -

THE UNITED STATES OF AMERICA, : 9: 23-cr-00396

versus

: April 1, 2024

: (Pages 1 - 43)

RICHARD ALEXANDER MURDAUGH,

Defendant.

- - -

TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE RICHARD M. GERGEL  
UNITED STATES DISTRICT COURT JUDGE

- - -

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Proceedings recorded by mechanical stenography,  
transcript produced by computer.

COURTESY OF  
LUNA SHARK MEDIA

1                   *(The following proceedings commenced at 10:18 a.m.)*

2                   THE COURT: Good morning. Please be seated.

3                   Ms. Limehouse, are you ready to call your next case?

4                   MS. LIMEHOUSE: I am, your Honor. May it please the

5 Court. We are here in the matter of the United States vs.

6 Richard Alexander Murdaugh; criminal docket number, 9:

7 23-396. Mr. Murdaugh is here today, represented by his

8 attorneys, Mr. Jim Griffin and Phil Barber. And we're here

9 for purposes of sentencing.

10                  THE COURT: Very good. Mr. Griffin, good morning,

11 sir.

12                  MR. GRIFFIN: Good morning, your Honor.

13                  THE COURT: I want to confirm you've had a chance to  
14 review the presentence report?

15                  MR. GRIFFIN: We have.

16                  THE COURT: And you've had a chance to consult with  
17 your client concerning that report?

18                  MR. GRIFFIN: Absolutely.

19                  THE COURT: Could we swear the defendant, please?

20                  DEPUTY CLERK: Please stand and raise your right  
21 hand.

22                   *(Defendant sworn.)*

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

24                  THE DEFENDANT: Good morning, sir.

25                  THE COURT: I want to confirm you've had a chance to

1 review the presentence report?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you've had a chance to consult with  
4 your attorneys concerning that report?

5 THE DEFENDANT: Yes, sir, I have.

6 THE COURT: Very good. Okay. Let me take up a  
7 couple matters before we go through the guidelines.

8 Mr. Murdaugh, you can be seated.

9 I received a motion from the government to hold the  
10 defendant in breach of a plea agreement.

11 Ms. Limehouse, my understanding is that the parties  
12 have reached an agreement that the government is relieved of  
13 its obligation to make a recommendation under the plea  
14 agreement; is that correct?

15 MS. LIMEHOUSE: That's my understanding, your Honor.

16 THE COURT: Is that correct, Mr. Griffin?

17 MR. GRIFFIN: That's correct, your Honor.

18 THE COURT: In light of that, I rule that the motion  
19 is moot -- docket number 65 is denied as moot.

20 Next, are there objections to the presentence report?  
21 Yes?

22 MS. LIMEHOUSE: Just a docketing matter, your Honor.  
23 There's also a motion to compel with respect to the polygraph  
24 charts. I want to make sure that that is also moot, in light  
25 of the agreement.



1 THE COURT: When you say -- yes.

2 Mr. Griffin, what's your response? I had confirmed  
3 the sealing.

4 MR. GRIFFIN: We will withdraw the motion. We filed  
5 a motion late Friday, asking for the underlying data of the  
6 polygraph. In light of the events of an agreement, we will  
7 withdraw that motion.

8 THE COURT: Very good. That motion is withdrawn.  
9 Okay. Now we have objections.

10 First, there was an objection, Mr. Griffin, to the  
11 loss amount.

12 MR. GRIFFIN: Yes, your Honor. We're also  
13 withdrawing that objection, because, as the probation officer  
14 accurately pointed out, there's a lesser dollar amount for  
15 money laundering, and it equates to the same sentence as the  
16 loss amount for the --

17 THE COURT: Correct. It does.

18 MR. GRIFFIN: -- so, it's moot.

19 THE COURT: Very good. So, you're withdrawing the  
20 first objection?

21 MR. GRIFFIN: Yes, your Honor.

22 THE COURT: Okay. Then there was an objection  
23 concerning the criminal history points. I'm glad to hear you  
24 on that.

25 MR. GRIFFIN: Yeah. That's correct, your Honor.

1 Under the criminal history calculation of the guidelines, the  
2 probation office has added three points, I believe, for Mr.  
3 Murdaugh's plea to a state tax evasion charge, which carries  
4 five years. That plea took place at the same time as the  
5 other 22 some odd counts he pled guilty to in state court.

6 THE COURT: Was it the same victim?

7 MR. GRIFFIN: Well, it was a tax case, and the victim  
8 would be, you know, the South Carolina Department of Revenue  
9 for the tax evasion.

10 THE COURT: Was the crime the same; that is, tax  
11 evasion the same as these other crimes?

12 MR. GRIFFIN: So, your Honor, the question under the  
13 guidelines, "is it relevant conduct," and the money that he  
14 evaded paying tax on are the proceeds of the underlying  
15 criminal conduct. And you can look at it in two ways,  
16 your Honor. One is, if it was a crime committed to cover up  
17 the offense, because he'd gone to an accountant and said: I  
18 have been stealing eight to \$10 million, I need to pay taxes  
19 on it, then that would have uncovered his criminal conviction  
20 -- his criminal conduct. The other piece, your Honor, under  
21 the guidelines, the testing of whether it groups, we've cited  
22 case law in our memorandum about grouping, where it involves  
23 continuous course of conduct, which that is the case here.  
24 And, ironically, your Honor, if the government had charged Mr.  
25 Murdaugh with tax evasion -- which they very well could have,

1 because he didn't file any federal taxes on this money either  
2 -- then he would be looking at three points less under the  
3 guidelines. And that's the irony of the situation. So,  
4 that's --

5 THE COURT: There are many ironies in the case, Mr.  
6 Griffin.

7 MR. GRIFFIN: Excuse me?

8 THE COURT: There are many ironies in this case.  
9 Ms. Limehouse, the government's view.

10 MS. LIMEHOUSE: Yes, your Honor. The defendant  
11 relies on the grouping rules, which, of course, only apply  
12 when we're talking about federal charges in the same charging  
13 document and someone being held accountable for those in the  
14 same sentencing. The relevant inquiry in terms of relevant  
15 conduct that this Court is to determine is whether these are  
16 severable, distinct offenses, not whether they would be  
17 grouped, because there's just no way to group a state tax  
18 conviction with these federal --

19 THE COURT: In fact, there would be no sanction at  
20 all if we did what the defendant is asking us to do.

21 MS. LIMEHOUSE: Exactly. And I think that's the  
22 ultimate sort of policy --

23 THE COURT: That's the tally point. The Third  
24 Circuit case makes that point.

25 MS. LIMEHOUSE: Exactly. But the Court's

1 determination should really be based on whether there are  
2 different charging documents, different sovereigns, different  
3 victims. And, of course, we're talking about a state tax  
4 conviction, charged by a different sovereign in a different  
5 charging document that involves completely separate and  
6 distinct victims from the victims that --

7 THE COURT: And a different criminal scheme.

8 MS. LIMEHOUSE: Exactly. And so, to allow him to not  
9 be held accountable in a criminal history calculation would  
10 basically allow this all to be washed away, to Mr. Murdaugh's  
11 benefit, and would really result in a windfall that the  
12 guidelines don't contemplate. And rather than him getting a  
13 benefit, had he been charged with federal tax violations, he  
14 actually would have had a two-point enhancement under 2T1.1,  
15 which doesn't apply here. There's no mention of the conduct  
16 that led to the state tax violation in the relevant conduct  
17 portion of the PSR. There's no mention of this conviction  
18 whatsoever, except in his criminal history calculation. And  
19 the only way this Court can hold him accountable for that  
20 conduct is in a criminal history analysis. And so, we think  
21 to not impose the three prior history points would result in a  
22 windfall to the defendant.

23 THE COURT: Well, I've read the case law on this.  
24 There is some divided authority, though I think the government  
25 does a very good job in its brief explaining how those are

1 actually distinguishable, the cases that would allow the  
2 grouping. And I think the presentence report is exactly  
3 accurate as to the way to handle the state tax. It was  
4 appropriate to be a separate three-point criminal offense.  
5 The majority view is plainly in that direction. The Fourth  
6 Circuit's view is in that direction. And I overrule that  
7 objection.

8 Are there further objections from the defendant?

9 MR. GRIFFIN: No, your Honor.

10 THE COURT: Any objections to the presentence report  
11 from the government?

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

13 THE COURT: Okay. And before I announce the  
14 guidelines, let me -- could you address, Ms. Limehouse, the  
15 issue of restitution, which I believe the parties have reached  
16 stipulation on?

17 MS. LIMEHOUSE: Yes, your Honor. We have submitted a  
18 restitution chart to the Court and the probation office. Of  
19 course, the probation office is better at math than I am, and  
20 we're off by 10 cents. So, we have amended that slightly with  
21 our own scrivener's error and we will submit a revised one.  
22 But I'll submit this one with our 10-cent error just so the  
23 Court can see. And what it contemplates is a total  
24 restitution to the law firm of \$4,544,730.15. There are two  
25 restitution orders that affect the restitution to the law firm

1 that your Honor has previously imposed with Russell Laffitte  
2 and Cory Fleming. And so, we would incorporate those  
3 judgments as joint and several, with a portion of those  
4 restitutions amounts outlined in the chart specifically,  
5 your Honor.

6 With respect to Palmetto State Bank, the total is  
7 \$329,913.27. And that's joint and several with Mr. Russell  
8 Laffitte. To Ms. Pamela Pinckney, the total is \$13,088.46,  
9 and that's joint and several with Mr. Cory Fleming. And then  
10 the insurer, who indemnified the law firm with respect to the  
11 Satterfield loss, will receive \$3,875,000. And we'll submit  
12 the information with respect to that insurer after this  
13 hearing. So, the total restitution amount is \$8,762,731.88.  
14 And it's my understanding the defendant is not objecting to  
15 that restitution at this point.

16 THE COURT: Is that correct, Mr. Griffin?

17 MR. GRIFFIN: That's correct, your Honor.

18 THE COURT: Very good. I do find the parties have  
19 stipulated to the restitution amount. Let me announce the  
20 guidelines.

21 And I take it the government has no objections to the  
22 presentence report, correct?

23 MS. LIMEHOUSE: That's correct, your Honor.

24 THE COURT: Very good. Let me announce the  
25 guidelines then. The total offense level is 34. The criminal



1 history category is four. The guideline range is 210 to  
2 262 months. Supervised release as to Counts 1 through 4 and  
3 8, two to five years; supervised release as to Counts 5  
4 through 7 and 9 through 22, one to three years. Special  
5 assessment, \$2,200. Restitution, \$8,762,731.88.

6 I'll be glad to hear from the defense regarding  
7 sentencing.

8 MR. GRIFFIN: Yes, your Honor. There are a couple of  
9 issues. One, under the sentencing guidelines, it requires  
10 that this sentence that the Court is about to impose run  
11 concurrently with the undischarged state court sentence.

12 THE COURT: I intend to do that.

13 MR. GRIFFIN: Thank you. And it also requires --

14 THE COURT: As to relevant conduct.

15 MR. GRIFFIN: Yes.

16 THE COURT: Okay. I do that -- the guidelines so  
17 provide that.

18 MR. GRIFFIN: Yes, sir. And also provide that he be  
19 given credit for the time he's currently serving for that  
20 relevant conduct.

21 THE COURT: Service credit is something the Bureau of  
22 Prisons does. And I don't make that determination, but I'll  
23 see if -- if there's ever an issue, that would be taken up  
24 with the Bureau of Prisons. But the normal practice, of  
25 course, is to do that.

1 MR. GRIFFIN: Right. Thank you, your Honor.

2 And he did get a sentence of 27 years in state court.  
3 He is -- I think he started serving that. And he gets credit  
4 in state court from July of 2022, when he was first indicted  
5 on those charges. His release date, just for the financial  
6 crimes is calculated, I think, at 2045 -- or 21, 22 years from  
7 now. And, of course, he is serving two life sentences for  
8 murder. And he has active appeals on those murder  
9 convictions. We don't know what the ultimate outcome will be.  
10 But he's here today to be sentenced before your Honor on  
11 essentially the same conduct that he'd already pled guilty to  
12 in state court, but -- and already been indicted for in state  
13 court. And, frankly, you know, it would appear that he --  
14 that where we are in this courtroom is a result of a turf war  
15 between the attorney general of South Carolina and the U.S.  
16 attorney of South Carolina.

17 THE COURT: I take it as a different view. They're  
18 separate sovereigns and they also -- they both wish to make a  
19 statement regarding the conduct of the defendant, which he has  
20 admitted to. And each, as sovereigns, has a right to do that.

21 MR. GRIFFIN: I understand that, your Honor. And  
22 they absolutely do. And there's no double jeopardy claim, and  
23 we've not made one because of that exact point. And the  
24 guidelines do, your Honor, recognize taking into account that  
25 they run concurrently, and so we appreciate that. His

1 sentencing guideline range currently is 210 to 262 months.

2 THE COURT: You're aware I've given a notice that I'm  
3 going to consider an upward variance from those guidelines?

4 MR. GRIFFIN: You certainly did. And we are aware,  
5 and Mr. Murdaugh is aware of that.

6 Your Honor, just as happenstance would have it, I  
7 think Friday there was an article in the *New York Times* about  
8 recent high-profile sentences, because Sam Bankman-Fried was  
9 sentenced in New York after a trial involving an \$8 billion  
10 crypto currency scam. And he received 25 years, your Honor.  
11 And that article in the *New York Times* points out that Jeffrey  
12 Skilling, the head of Enron, he originally received a 24-year  
13 sentence, and that was reduced to 12 years. Most recently,  
14 your Honor will remember Elizabeth Holmes, who was a CEO and  
15 chairman of Theranos -- that's the blood-testing company that  
16 was totally fraudulent. She received, after her trial, an  
17 11-year sentence. And so, there's significant amounts of  
18 losses that are much greater than the eight and 10 million  
19 that Mr. Murdaugh did. Now, I'm not minimizing his conduct.

20 THE COURT: Mr. Griffin, you left off a case.

21 MR. GRIFFIN: Excuse me?

22 THE COURT: You left off a case.

23 MR. GRIFFIN: Bernie Madoff.

24 THE COURT: You've got it.

25 MR. GRIFFIN: Bernie Madoff got 150 years, but he was

1 in his 70s and he served 12 years before he died.

2 THE COURT: I believe Judge Chin, in sentencing him,  
3 talked about the long-standing criminal activity, many victims  
4 taking a huge human toll, which felt pretty analogous to our  
5 case.

6 MR. GRIFFIN: Yes, your Honor. Mr. Madoff was in his  
7 70s and he served 12 years. Mr. Murdaugh is 55 years old.  
8 He's got 20 some odd years left to serve, not even considering  
9 the murder convictions. And the earliest he could be released  
10 is 75 years old. And, your Honor, the guidelines do call for  
11 a sentence range of 210 to the 262 months. He's accepted  
12 responsibility for his financial crimes from the moment he was  
13 confronted by the law firm. He has never denied it. He  
14 testified fully at the murder case about his financial crimes.

15 THE COURT: But he committed 15 years of fraudulent  
16 conduct; 27 victims, I believe. He stole from 27 clients,  
17 some of the most needy, vulnerable human beings. One was a  
18 paraplegic. They were motherless children. They were  
19 widowers. I mean, I've heard a lot of this through these  
20 multiple cases. I've seen the disgrace that he's brought, not  
21 just to himself, but to his law firm, to his county, to his  
22 state, the national -- the judicial system nationally. Those  
23 are all factors to be considered.

24 MR. GRIFFIN: Yes, your Honor. And I'm not -- I'm  
25 not defending the conduct, but --

1 THE COURT: I don't hear you doing that.

2 MR. GRIFFIN: -- I'm just putting it into  
3 perspective. I will say, there was another case with a very  
4 prominent lawyer in the mid state of South Carolina, and that  
5 lawyer would take money from his clients that they already had  
6 from retirement or whatever, and put it in his trust account  
7 and steal it. Mr. Murdaugh, as egregious and disgusting as  
8 his conduct was, he intercepted money before these clients  
9 ever saw it. And so, until all this came to light, they were  
10 unaware that they had been victimized. And I will say --

11 THE COURT: That's a distinction without a  
12 difference.

13 MR. GRIFFIN: It is. But to his law firm's credit,  
14 they stepped up and have made as many people whole as they  
15 could. And so, the victims, as you read here for restitution,  
16 or, principally, the law firm, the law firm's insurance  
17 company, Palmetto State Bank, other third parties. And so, we  
18 are grateful --

19 THE COURT: But they had to step in and pay for his  
20 crimes.

21 MR. GRIFFIN: They did. And --

22 THE COURT: And that's the way the system works.  
23 People who have to suffer a loss, but for the law firm, and  
24 their carrier, and Palmetto State Bank, these victims would  
25 have lost -- would have been financially devastated.

1 MR. GRIFFIN: Without a doubt. Without a doubt.  
2 And, your Honor, I'm just pointing out that he was in a  
3 position, he abused that position, but those around him had  
4 the wherewithal and the capacity to make whole his victims.  
5 And we're appreciative of that.

6 And so, your Honor, we would request a sentence  
7 within the guidelines, to run concurrent with his undischarged  
8 time of state sentence for the financial crimes, as well as  
9 his murder convictions.

10 And Mr. Murdaugh would briefly like to address the  
11 Court.

12 THE COURT: Yes. I'll be glad to hear from him.

13 Mr. Murdaugh?

14 THE DEFENDANT: All right. Your Honor, thank you for  
15 the opportunity to speak with you. I'm going to try to be  
16 brief --

17 THE COURT: Take as much time as you wish, sir.

18 THE DEFENDANT: -- and think about this. I  
19 understand that. Judge, just a couple of things that I want  
20 to say. I do appreciate the opportunity to speak to you.

21 And I want to reiterate to the victims that are here,  
22 the things that I told them when I had the opportunity to  
23 speak with them individually in Beaufort, that I am filled  
24 with sorrow and I am filled with guilt over the things that I  
25 did to these people that I care about. I care about all of



1 them. I love many of them. And I also want to remind them  
2 that, should they decide that they would like to communicate  
3 with me -- and I told them this in Beaufort -- for any reason,  
4 be it to get more details, be it to more closely inspect my  
5 sincerity, for any reason, I invite them to do that and I  
6 welcome the opportunity to communicate with them in whatever  
7 manner they choose.

8 Judge, I know there's not enough time, and I don't  
9 possess a sufficient vocabulary to adequately portray to you  
10 in words the magnitude of how I feel about the things that I  
11 did, as you pointed out, for a long period of time. I mean, I  
12 literally am filled with sorrow, and I am filled with guilt  
13 over the things that I did to people that I care about so  
14 much. And I understand that the natural reaction to what I  
15 just said is probably: Is he sorry for what he did, or is he  
16 sorry that he got caught? And that would be a natural  
17 reaction. And I assure you, and I assure every victim that I  
18 hurt, that I am sorry for the things that I did. Many  
19 sessions, while I was in rehab with a very diligent  
20 counselor/therapist, led me to the realization, recognition,  
21 whatever you want to say, understanding, that one of the  
22 reasons why my addiction grew to the extremes that it did was  
23 because I was using opiates to hide from the things that I was  
24 doing to people that I care about, I guess trying to numb  
25 myself from the knowledge of knowing what I was doing and had

1       been doing.

2               When all this first happened, and I had so much guilt  
3       and so much sorrow, so much shame, so much embarrassment, so  
4       much humiliation. There was also a sense of relief that crept  
5       in, and that relief being that it was over, that no more  
6       having to hide this secret life, having to hide this lie.  
7       That's what it is: Hide this lie.

8               And, Judge, I know that I hurt and I left a lot of  
9       damage, a lot of wreckage, a lot of, I guess, overall havoc in  
10      my wake. I know that. And I know -- I acknowledge that I  
11      became that which I most despise, a hypocrite; and I know  
12      that. I know that I hurt, humiliated and otherwise let down  
13      so many people -- as you pointed out, the entire bar, which I  
14      was so proud to be a member of, instilled with so many smart  
15      compassionate capable, honest people. And I -- I understand  
16      the damage that I have done there. So many friends that I  
17      felt privileged to have -- every one: My law firm; my  
18      partners, who I love and who are now my victims; my family, my  
19      son, and the victims of all the crimes that I'm pleading  
20      guilty to; and as I've said, all of whom I care about and many  
21      whom I love.

22              Judge, a little bit ago, I referenced my addiction.  
23      As I stand here today, I am 937 days clean. And I am very  
24      proud of that fact. I do believe that my addiction  
25      contributed to me doing some of the things that I did. And,

1 Judge Gergel, I hope -- I hope with every -- with every cell  
2 of my existence, I hope that I would not have done the things  
3 that I did had I not been addicted to opiates. And while I  
4 hope that, Judge, I also know for a fact that I knew what I  
5 was doing was wrong. I knew better. I was raised better. I  
6 was surrounded by people who lived better. And I have spent  
7 so much time thinking about: How, why, how, how, why I could  
8 do these things that I knew were wrong to people that I cared  
9 about and loved? And while I was doing them, I was ashamed of  
10 myself for doing them; yet, I continued to do them. And I  
11 can't reconcile that. I can't. I make myself -- I make  
12 myself think about it every single day. At some point, I make  
13 myself think about it every single day. And I make myself  
14 think about the victims who I hurt every single day. And by  
15 no means do I have all the answers. I probably have very few  
16 answers. But I do have a full, wholehearted commitment to  
17 continuing to try to get answers and trying to do things to  
18 improve myself.

19 And, Judge, I'm going to wrap this up. I hope I  
20 haven't spoken too long. But I do want you to know, and I do  
21 want all of the victims to know: I am filled with sorrow, I  
22 am filled with remorse, I am filled with guilt. And I also  
23 spend a lot of time trying to think about how in the world I  
24 might ever make it up for the things that I've done.

25 And also, Judge, lastly, I am very committed to

1 trying to be a better person. I appreciate the opportunity to  
2 speak with you. If you have any questions, I'll be glad to  
3 answer them.

4 THE COURT: Thank you, sir.

5 Mr. Griffin, anything further from the defense?

6 MR. GRIFFIN: No, your Honor.

7 THE COURT: From the government, Ms. Limehouse?

8 MS. LIMEHOUSE: Thank you, your Honor. May it please  
9 the Court.

10 As the Court is aware, all the parties have agreed  
11 that we are no longer bound by our obligations of the plea  
12 agreement. And we had full intention to come in here and  
13 argue that the Court impose a consecutive sentence. Based on  
14 what the Court has previewed for the government, that it  
15 intends to impose a concurrent sentence, we're going to tailor  
16 our arguments accordingly.

17 Before I go to the victims, whose voices are most  
18 important for your Honor to hear today, I want to briefly  
19 address the nature and circumstances of the offense, and then  
20 I'll address some of the arguments that Mr. Griffin made with  
21 respect to the federal interest here and why we've held Mr.  
22 Murdaugh accountable for the federal financial crimes.

23 We've outlined -- and your Honor is very familiar  
24 with the nature and circumstances of these offenses, and we've  
25 outlined them in our sentencing memorandum. I think it's

1 important to note the complexity of Mr. Murdaugh's schemes.  
2 We highlighted the six different ways over the 15 years that  
3 he executed his schemes, the coconspirators that he recruited  
4 and convinced --

5 THE COURT: Seduced.

6 MS. LIMEHOUSE: Seduced, sure.

7 THE COURT: The siren song of affluence, right?

8 MS. LIMEHOUSE: That's right.

9 THE COURT: Bought off people. You know, I tried Mr.  
10 Laffitte, and I sentenced Mr. Fleming. I'm convinced both of  
11 them were seduced into this by the promises and delivery of  
12 large amounts of money. Mr. Murdaugh was a skilled groomer of  
13 his compatriots. And, you know, to the statements about  
14 addiction and impairment, no truly impaired person could pull  
15 off these complex transactions. They are very complicated.  
16 It took me a while to just examine several of them. And using  
17 his undoubtable charm and charisma, he persuaded all kinds of  
18 people to do things they should not have done, and in  
19 furtherance of his pursuit of countless amounts of cash.

20 You know, one of the things that is most troubling is  
21 that the victims were amongst some of the most vulnerable  
22 people we could imagine. As I mentioned earlier, there was a  
23 paraplegic, there were motherless children, there were  
24 widowers. They were people whose lives had been turned upside  
25 down by collision or a wreck or some other tragic event, and

1 they placed all their problems and all their hopes in Mr.  
2 Murdaugh. And it's from those people he abused and stole. It  
3 is a difficult set of actions to understand.

4 MS. LIMEHOUSE: We agree completely, your Honor. And  
5 when we look at sort of the total number of victims, we're  
6 looking at, like you recognized, more than 25 victims. And  
7 that's just those individuals. That, of course, doesn't  
8 account for their countless family members and loved ones who  
9 have been impacted by his crimes and continue to be impacted  
10 daily by having to relive some of their most difficult  
11 moments. And so, you really can't overstate the nature and  
12 circumstances of those offenses.

13 But I do want to highlight what we've highlighted in  
14 our sentencing memorandum with respect to victims who  
15 otherwise have not been publicly identified and do not wish to  
16 be publicly identified. We want to make sure that they do  
17 have a voice here in these proceedings. Mr. Griffin argued  
18 that Mr. Murdaugh has been held accountable for essentially  
19 the same conduct. And luckily in the federal system, we have  
20 the benefit of relevant conduct. And so, we don't have to  
21 have a count of conviction, so to speak, to hold a defendant  
22 accountable for the whole of their conduct. And so, while Mr.  
23 Griffin argues that he's been held accountable, there are  
24 actually 11 victims, who are not the subject of state  
25 convictions, and about \$1.3 million in additional loss that's



1       attributable to Mr. Murdaugh because of his theft of those  
2       victims. And we absolutely respect their desire to not be  
3       publicly identified and come here and address your Honor and  
4       Mr. Murdaugh. We think that's further evidence of their  
5       vulnerability and their victimization, that they don't want to  
6       have to relive that before the Court. But we think it's  
7       important that the Court recognize those victims and the voice  
8       that they do have and the role that they do play.

9               THE COURT: Your sentencing memorandum laid those out  
10       in very helpful detail.

11              MS. LIMEHOUSE: That's correct, your Honor.

12              And so, in terms of the nature and circumstances of  
13       the offense, as I said, it really cannot be overstated when  
14       you look at the complexity of his scheme, the vulnerability of  
15       the victims, the abuse of the position of trust, the different  
16       ways that he was able to perpetuate and carry out his schemes  
17       by bringing in others to make sure that he was able to achieve  
18       his ultimate goal, all for his own enrichment.

19              I'd like to address the history and characteristics  
20       of the defendant. But, first, if we can hear from some of the  
21       victims: Mr. Stephen Satterfield, Natasha Thomas, and Pamela  
22       Pinckney are all here today and wish to address the Court.  
23       But I do want to recognize the other victims that are in the  
24       courtroom and ones who have submitted victim/impact  
25       statements. Mr. Jake Hershberger is deceased, of course, but

1 he had family members who submitted victim/impact statements  
2 on his -- on their behalf. They could not be here today  
3 because they live out of state. But we just want to recognize  
4 that they have submitted impact statements for your Honor.

5 Mark Tinsley is here on behalf of Mr. Arthur Badger,  
6 who could not be here. And I know your Honor wants to hear  
7 from the individual victims, but I --

8 THE COURT: Yes, I do. I really -- the format is for  
9 victims to speak, not attorneys. As much as I admire the  
10 attorneys that fought this fight, we're not going to hear from  
11 them today.

12 MS. LIMEHOUSE: Okay. Mr. Jim May is here on behalf  
13 of the law firm as well as a few of the partners from the law  
14 firm. Greg Harris is here on behalf of Palmetto State Bank,  
15 as well as Mr. Jim Malinowski. Eric Bland is here on behalf  
16 of Tony Satterfield, but also a few of the victims that  
17 couldn't be here, Ms. Alania Plyler and Ms. Hannah Plyler.  
18 And then, of course, Mr. Bamberg is here today on behalf of  
19 numerous other victims who are not intending to speak.

20 If I can ask Mr. Tony Satterfield to address the  
21 Court?

22 THE COURT: Please. If he could come forward.

23 Good morning, Mr. Satterfield.

24 THE WITNESS: Good morning, your Honor. Question:  
25 You mind if I face this way?

1 THE COURT: You're welcome to face any way you wish.

2 THE WITNESS: Okay. First, I want to say I'm sorry  
3 you feel like you had to do what you did to me, to my family,  
4 other victims. My heart goes out for you, my heart goes out  
5 for your family and everybody involved.

6 THE DEFENDANT: Thank you.

7 THE WITNESS: I pray for you daily. I know, you  
8 know, this team wants one thing, this team wants another  
9 thing. What I truly want is you -- I just want God to work on  
10 you and your heart, you know? And a lot of people probably  
11 say there is no hope, but there is, and it starts with the  
12 gospel. So, yeah.

13 MR. BLAND: I know, Judge Gergel, you said you didn't  
14 want to hear from the attorneys --

15 THE COURT: I don't.

16 MR. BLAND: -- but I represent the victims that --

17 THE COURT: I know you do, but --

18 MR. BLAND: And it's the Plyler sisters that are  
19 mainly part of the --

20 THE COURT: I've heard from them. And I know their  
21 plight very well and I remember them with great clarity. You  
22 don't need to speak for them. I've heard them before.

23 MR. BLAND: Well, I'd like to thank your Honor for  
24 your dogged pursuit with Russell Laffitte, with Cory Fleming,  
25 and now with Mr. Murdaugh. I'd also like to thank Emily and

1 Winston and the FBI for their dedication to seeing that  
2 justice was done. So, thank you, your Honor.

3 THE COURT: Thank you.

4 MS. LIMEHOUSE: Ms. Pamela Pinckney.

5 THE COURT: If you could state your name for the  
6 record, please.

7 THE WITNESS: Pamela Pinckney.

8 THE COURT: Good to see you again, Ms. Pinckney.

9 THE WITNESS: Good morning, your Honor.

10 On behalf of Mr. Justin Bamberg, I thank and praise  
11 God for being here on this morning.

12 And to Mr. Alex Murdaugh, there is nothing that I  
13 would ever say to humiliate or degrade you, because only God  
14 can judge you for what you have done wrong. Like I told you,  
15 I love you with the love of Jesus Christ.

16 THE DEFENDANT: Thank you. I love you.

17 THE COURT: Anything further, Ms. Pinckney?

18 THE WITNESS: That's it, your Honor.

19 THE COURT: Thank you so much for being here. Thank  
20 you, Ms. Pinckney.

21 MR. BAMBERG: And, your Honor, I'll just say hello.  
22 And this is Tyrone Pinckney. Natasha Thomas couldn't be here.  
23 This is her father.

24 THE COURT: Very good. Thank you for being here.

25 MS. LIMEHOUSE: Your Honor, if I can move to the

1 history and characteristics of the defendant. And I also want  
2 to address some of the allegations that Mr. Griffin made about  
3 federal interests here. Of course, we defer to our state  
4 partners in their prosecution of Mr. Murdaugh for the murders  
5 of his wife and son, as the most severe conduct. We always  
6 intended to charge him for the federal financial crimes and  
7 hold him fully accountable, but really with the goal of  
8 providing a backstop, that, should anything fall through with  
9 those murder convictions, we would have charged him and held  
10 him accountable within our statute of limitations, such that  
11 we wouldn't be prohibited from doing so in the future. But we  
12 also had two distinct federal interests that we wanted to  
13 continue to pursue in holding him accountable for those  
14 financial crimes. And those federal interests were in mind in  
15 negotiating the plea agreement. And, of course, we all agree  
16 that we are no longer bound by that plea agreement. But we  
17 had agreed to recommend a concurrent sentence, which is what  
18 the guidelines require.

19 THE COURT: I didn't think you were giving up much on  
20 that one, Ms. Limehouse.

21 MS. LIMEHOUSE: Well, he agreed to it.

22 THE COURT: Yes. He wasn't exactly in the strong  
23 bargaining position.

24 MS. LIMEHOUSE: Well, exactly. We have great  
25 evidence, of course, which helps.

1           But our two federal interests were finding the \$6  
2 million plus in ill-gotten gains that remains unaccounted for  
3 today. We have a duty to pursue the location of those  
4 proceeds and attempt to make the victims whole. And so, we  
5 intended to pursue every avenue to locate those funds through  
6 whatever means necessary.

7           And then, of course, our second federal interest was  
8 holding all accountable who committed these crimes with Mr.  
9 Murdaugh. We knew that Russell Laffitte and Cory Fleming had  
10 conspired with him to the help steal some of these clients'  
11 moneys, but we weren't sure if others were involved. And so,  
12 those were our two federal interests in giving Mr. Murdaugh an  
13 opportunity to cooperate fully with the government. And so,  
14 we entered into that plea agreement, which required him to  
15 cooperate fully, to provide information about all criminal  
16 activities about which he had knowledge, not just the charges  
17 that were charged in the indictment.

18           Mr. Murdaugh proffered with the Federal Government  
19 and the FBI and SLED on a few occasions for, specifically, in  
20 2023: May 4th, June 7th, August 18th and October 18th. And  
21 during each of those proffer sessions, we gave Mr. Murdaugh  
22 every opportunity to come clean about others' involvements in  
23 his criminal schemes and the locations of those assets or  
24 those proceeds. We presented the financials to him that  
25 showed that there were over \$6 million in unaccounted-for



1 proceeds, and gave him every opportunity to come clean about  
2 where any hidden assets or hidden funds could be. He remained  
3 adamant, as did his attorneys, that all of those funds were  
4 spent on drugs. And it didn't add up. It didn't add up  
5 because the financials didn't make sense, it didn't add up  
6 because he claims to have been using the same amount of drugs  
7 since 2008. But the laundering escalated by millions in the  
8 late 2019s, 2020s, and so it didn't make sense. And so, at  
9 that time, we decided to polygraph him on those two federal  
10 interests, because we didn't believe that he was being fully  
11 candid with us about the involvement of others, or the  
12 location of hidden assets or funds that were ill-gotten gains.  
13 And so, he was polygraphed on these two points of federal  
14 interests, and the polygraph indicated deception. And so, he  
15 breached the plea agreement at that point.

16 And so, while we recognize that he has taken full  
17 accountability for his conduct in this scheme -- in these  
18 schemes, really -- he has not assisted the government in what  
19 we believe is the potential involvement of others in his  
20 schemes, or the location of assets that can really help to  
21 make the victims whole. He argues that these victims have  
22 been made whole by others and that he should somehow receive  
23 the benefit of those victims not being out of pocket any  
24 additional funds. But Alex Murdaugh has never spent a penny  
25 of his own money to make these victims whole, or helped us

1 find assets that can do that. And so, he shouldn't receive  
2 any benefit from the others having to come in and take the  
3 financial fall for his crimes. So, we think that goes to the  
4 history and characteristics of Mr. Murdaugh.

5 You are very familiar with the breadth, the scope,  
6 the length of his schemes. But we don't believe that the drug  
7 abuse was the reason why he committed those schemes, and we  
8 don't believe that that's how he spent over \$6 million. And  
9 so, when given the opportunity to fully cooperate, he didn't  
10 do that. And we think the Court should take that into  
11 consideration when fashioning a sentence that's sufficient but  
12 not greater than necessary.

13 Finally, your Honor, of course, under 3553(a), we  
14 think that it's important that the Court impose a sentence  
15 that reflects the seriousness of the offense, promotes respect  
16 for the law, provides just punishment, and protects the public  
17 from future crimes of the defendant. We believe that Mr.  
18 Murdaugh is incapable of being a law-abiding citizen. He  
19 lived this way for so long, it became such second nature to  
20 him to deceive every single person in his life. But we don't  
21 believe he's capable of living a law-abiding life as an  
22 upstanding member of society. We are requesting that the  
23 Court impose a sentence of 30 years, which represents the  
24 statutory max, and, of course, would be a variance to the  
25 current guideline range that your Honor has set forth on the

1 record.

2 Under 3553(a) your Honor has already alluded to, this  
3 is really an unparalleled circumstance in South Carolina. We  
4 really haven't seen anything like Mr. Murdaugh in the state of  
5 South Carolina. And so, while the guidelines might be for the  
6 usual defendant, who's stolen this amount of money under these  
7 circumstances, we don't think he can be compared to other  
8 defendants in similar circumstances. And so, because  
9 your Honor's not inclined to impose a consecutive sentence,  
10 we're recommending a concurrent sentence of 30 years, which is  
11 the statutory maximum.

12 THE COURT: Well, it's not actually the statutory max  
13 now, Ms. Limehouse, is it?

14 MS. LIMEHOUSE: That's true. You could stack,  
15 absolutely. You could stack, absolutely. And we believe a  
16 30-year sentence is sufficient but not greater than necessary.  
17 He's 55 years old. I will correct one thing Mr. Griffin  
18 stated, that the BOP -- of course, it's up to the BOP -- would  
19 give him credit for time served. Actually, by statute, under  
20 18 U.S.C. 3585(b), we don't believe he'll get any credit until  
21 today for any of the time he's served on these financial  
22 crimes. As a 55 year old man, 30 years is a death sentence,  
23 so to speak, and that's, of course, taking into account that  
24 he's already serving two consecutive life sentences for the  
25 murders of his wife and his son.

1 THE COURT: Well, you haven't addressed the issue of  
2 deterrence.

3 MS. LIMEHOUSE: Sure.

4 THE COURT: And the issue of general deterrence.  
5 Talk to me about that.

6 MS. LIMEHOUSE: Well, as you acknowledged -- and  
7 we've all talked about -- his violation of public trust. But  
8 specifically, as it relates to a lawyer, and someone who is  
9 given the opportunity to commit these crimes by nature of  
10 their law license, and what that has done to sort of the legal  
11 community and the reputation of the legal community, I think  
12 it's really important that the Court send a very strong  
13 message about lawyers stealing money from their clients. Of  
14 course, we're talking about millions and millions here. But I  
15 think the general deterrent effect would apply to all lawyers  
16 who would seek to abuse their position of trust by taking  
17 advantage of the opportunity given to them in that position of  
18 trust to steal from their clients; I think that's very  
19 important.

20 THE COURT: Ms. Limehouse, I speak to law students  
21 all over the United States, and I tell them that a law license  
22 is a license to do good.

23 MS. LIMEHOUSE: Should be.

24 THE COURT: Should be. This is a demonstration of  
25 the darker side of a law license, because it affords those

1 inclined to a criminal mindset to abuse their clients, to  
2 steal from their clients. And, perhaps, the most important  
3 part of this sentence might be to deter others, so that  
4 licensed -- or to be licensed -- know of the grave  
5 consequences of such conduct. You know, if the state  
6 convictions for murder stand, this sentence is academic. But  
7 a verdict is to speak the truth. And the statement we make  
8 today, we make for the United States, we make it for this  
9 Court, we make it for the interests of justice.

10 MS. LIMEHOUSE: I couldn't agree more.

11 THE COURT: Anything further?

12 MS. LIMEHOUSE: Nothing from the government,  
13 your Honor. Thank you.

14 THE COURT: Mr. Griffin, anything in response?

15 MR. GRIFFIN: Yes. Your Honor, Ms. Limehouse just  
16 pointed out, under Title 18, that he will not get credit for  
17 --

18 THE COURT: Let me tell you something. I learned a  
19 long time ago, Mr. Griffin, that I don't try to guess what the  
20 Bureau of Prisons is going to do. They have as high regard  
21 for my opinion as they do yours, okay? And so, I don't know  
22 what they're going to do and how they're going to interpret  
23 it. But that's not a factor for me to consider, because I  
24 don't -- that's not a factor I can determine. It's very  
25 complicated situation. I'm going to impose the sentence, and

1 the chips will fall where they may.

2 MR. GRIFFIN: Yes, your Honor.

3 THE COURT: The Bureau of Prisons will make that  
4 determination if and when that becomes something they need to  
5 do.

6 MR. GRIFFIN: Yes, your Honor.

7 And just one brief point about deception and  
8 polygraph. We have in our sentencing memorandum the  
9 Department of Justice's policy that there is no lie detector,  
10 it's a polygraph machine that's used for an investigative  
11 technique, and that's it. And someone who has a reaction that  
12 scores on a polygraph machine, it's not evidence of a lie.

13 THE COURT: And, Mr. Griffin, let me say something.  
14 As a lawyer, I was very familiar with polygraphs. I  
15 represented SLED from time to time. I knew the polygraph  
16 examiners at SLED very well. And as high regard as I held  
17 them -- and I'm sure the FBI polygraph examiners are just as  
18 capable -- there's much mystery to what you detect when you  
19 detect what is called deception: Are you responding to the  
20 very question asked, or, perhaps, other facts in which the  
21 person being tested may feel guilty about. So, I don't put  
22 any weight in a polygraph. We wouldn't admit it in my court.  
23 And you agreed with the government to allow your client to be  
24 polygraphed and to be dependent in some way on the results in  
25 terms of the plea agreement; that's your private deal. But I



1 give no weight to a polygraph myself.

2 MR. GRIFFIN: Thank you, your Honor. That's all I  
3 have.

4 THE COURT: Yes, sir.

5 Let me, if I might, first announce the sentence. And  
6 then I will explain on the record the 3553(a) factors, because  
7 I do intend to upwardly vary regarding this sentence.

8 Having calculated and considered the advisory  
9 sentencing guidelines, and having also considered the relevant  
10 statutory sentencing factors contained in 18 United States  
11 Code 3553(a), it is the judgment of the Court that the  
12 defendant, Richard Alexander Murdaugh, is hereby committed to  
13 the custody of the Bureau of Prisons to be imprisoned for a  
14 term of 480 months, which consists of 360 months as to  
15 Counts 1, 2, 3, and 4, said terms to run concurrently with  
16 each other in all other counts; and 240 months as to Counts 5,  
17 6, 7 and 8, said terms to run concurrently with each other in  
18 all other counts; and 120 months as to Counts 9, 10, 11, 12,  
19 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, said terms to run  
20 concurrently with each other and consecutive to all other  
21 counts.

22 These terms shall run concurrently to the remainder  
23 of the undischarged state terms of imprisonment for the South  
24 Carolina General Sessions Court, docket numbers referenced in  
25 paragraph 189 of the presentence report, which is considered

1 relevant conduct to the incident offenses of conviction,  
2 pursuant to Sentencing Guideline 5G1.3(b)(2). Furthermore,  
3 these terms shall run concurrently to the prior undischarged  
4 state term of imprisonment for the South Carolina General  
5 Sessions Court, docket numbers referenced in paragraph 190 of  
6 the presentence report, which were not considered relevant  
7 conduct to the instant offenses of conviction, pursuant to  
8 Sentencing Guideline 531.3(d).

9 It is further ordered that the defendant shall pay  
10 mandatory restitution in the amount of \$8,762,731.88 to the  
11 victims in this case through: The Clerk of United States  
12 District Court, 85 Broad Street; Charleston, South Carolina;  
13 \$102,221.90 is ordered jointly and severally with codefendant,  
14 Cory Fleming, under docket number 9: 23-cr-394; and  
15 \$1,414,826.53 is ordered jointly and severally with  
16 co-defendant, Russell Laffitte, under docket No. 9:  
17 22-cr-658. Payments are due and payable immediately, as the  
18 defendant has no income and has been ordered to pay a  
19 substantial amount of restitution. Interest on restitution is  
20 waived, as defendant lacks the apparent ability to pay  
21 interests. It appears the defendant does not have ability to  
22 pay a fine, therefore, the fine is waived. The defendant  
23 shall pay the mandatory \$2,200 special assessment fees, which  
24 are due and payable immediately.

25 Upon release from imprisonment, the defendant shall

1 be placed on a term of supervised release for a term of five  
2 years, consisting of five years as to Counts 1 through 4 and  
3 8, and three years as to Counts 5, 7 -- 6, 7 and 9 through 22,  
4 said terms to run concurrently.

5 While on supervised release, the defendant shall  
6 comply with the mandatory conditions of supervision, outlined  
7 in 18 United States Code 3583(d) and Sentencing Guideline  
8 5D1.3(a), and the standard discretionary conditions outlined  
9 in Sentencing Guideline 5D1.3(c), as noted in paragraphs 193  
10 and 196 of the presentence report.

11 Standard conditions of supervision one through nine  
12 and 13 serve the statutory sentencing purposes of public  
13 protection and rehabilitation, pursuant to 18 United States  
14 Code 3553(a)(2)(C) and (D).

15 Standard conditions of supervision 10 and 12 serve  
16 the statutory sentencing purpose of public protection,  
17 pursuant to 18 United States Code 3553(a)(2)(C).

18 Standard condition of supervision 11 ensures that the  
19 defendant does not engage in activities that may conflict with  
20 other conditions of supervision that may pose risk to the  
21 defendant's probation officer.

22 The defendant shall also comply with the following  
23 special conditions for the reasons set forth in the  
24 presentence report, which has previously been adopted by the  
25 Court as findings of fact for purposes of sentencing -- and if

1 I did not expressly state, I'll say it now, that the Court  
2 adopts this presentence report as the findings of fact for  
3 purposes of sentencing.

4 Number one, you must not incur new credit charges or  
5 additional lines of credit without the approval of the  
6 probation officer. This condition is ordered, based upon the  
7 nature of the offense, to deter and detect potential future  
8 economic crimes, to assist the defendant in gaining control of  
9 his financial situation, and to serve the statutory sentencing  
10 purposes of public protection, deterrence and rehabilitation.

11 Number two, you must provide the probation officer  
12 with access to any requested financial information and  
13 authorize the release of any financial information. The  
14 probation office may share financial information with the  
15 United States Attorney's Office. This condition's ordered,  
16 based upon the nature of the offense, to deter and detect  
17 potential future economic crimes, to assist the defendant in  
18 gaining control of his financial situation, and to serve the  
19 statutory sentencing purposes of public protection, deterrence  
20 and rehabilitation.

21 Number three, you must pay any remaining unpaid  
22 restitution and balance imposed by the Court in minimum  
23 monthly installments of \$250, to commence 30 days after  
24 release from custody, or following the imposition of sentence  
25 if -- after released from custody. Payment shall be adjusted

1 accordingly, based upon your ability to pay, as determined by  
2 the Court. This condition is ordered because restitution is  
3 mandatory in this case.

4 And, finally, you must submit to substance abuse  
5 testing to determine if you've used a prohibited substance.  
6 You must contribute to the cost of such program, not to exceed  
7 the amount determined reasonable by the Court-approved U.S.  
8 Probation Office Sliding Scale for Services, and you will  
9 cooperate in securing any applicable third-party payments,  
10 such as insurance or medicaid. This condition is ordered,  
11 based on the defendant's admitted substance abuse history, to  
12 deter and detect future illicit drug use, to assist the  
13 defendant in gaining sobriety, and to serve the statutory  
14 sentencing purposes of public protection, deterrence and  
15 rehabilitation.

16 Now, I have imposed a sentence which this Court  
17 believes is sufficient but not greater than necessary to  
18 accomplish the purposes of the law. In doing that, I have  
19 considered all of the factors under 18 United States Code  
20 3553(a) to impose a sentence which is sufficient but not  
21 greater than necessary to accomplish the purposes of the law.  
22 Let me address the ones that I considered most relevant to our  
23 situation here today regarding this case.

24 I've considered the nature and circumstances of the  
25 offenses. Criminal conduct was taken over 15 years, detailed

1 in paragraph 106 of the presentence report. It involved  
2 thefts from a total of 27 clients of \$9.4 million and  
3 1.4 million from his law firm, with a total of nearly  
4 \$11 million. The list of thefts include a remarkable  
5 combination of extremely vulnerable victims: A paraplegic,  
6 motherless children, a grieving widower. Access to these  
7 funds was obtained through a position of trust as an attorney  
8 for people who put their faith in the defendant. This was  
9 reprehensible conduct. It deserves significant sanctions.

10 I've considered the history and characteristics of  
11 the defendant, which really is traced through since 2005, the  
12 systemic theft from clients. I've considered these offenses  
13 very serious, each offense.

14 I believe this sentence promotes respect for the law  
15 and provides just punishment. The defendant's conduct has  
16 brought disgrace and disrepute to himself, his law firm, the  
17 Hampton County Bar, the South Carolina Bar, and the South  
18 Carolina court system, if not the American court system. A  
19 serious sentence is necessary to uphold respect for the law  
20 and to make clear that the defendant is held accountable for  
21 his disregard for the rights of his clients in rampant  
22 uncontrolled dishonesty. There also must be justice for his  
23 victims, who suffer anguish on top of the tragedies that have  
24 brought them to his office -- or were brought to his office  
25 for his assistance.



1 I mentioned earlier to Ms. Limehouse the question  
2 about deterrence. It is important -- critical in this case --  
3 to provide deterrence for further crimes, not just of this  
4 defendant, which I agree, based on his past, if he were to be  
5 released, I think he would continue to engage in criminal  
6 activity, but, most important, the general deterrence here;  
7 that is, to deter others -- particularly, lawyers and other  
8 fiduciaries. There is little doubt that, of all people who  
9 might be deterred, lawyers might be deterred the most from the  
10 consequences of dishonest conduct. And this sentence is  
11 intended to demonstrate the serious consequences to attorneys  
12 and other fiduciaries who engage in such conduct.

13 Another element of 3553(a) is to avoid unwarranted  
14 disparities. Mr. Griffin correctly pointed out in his filing  
15 about the medium range in such cases and the average range:  
16 168 months, average for wire fraud; 210 months, a medium for  
17 someone of this offense level. But this is not the normal  
18 case. I've been on the bench 14 years, I practiced law for  
19 over 30. I've never seen this type of conduct: A massive  
20 fraud over many years, which took a human toll on its victims.

21 You know, I was reading recently a sentence imposed  
22 by a colleague of mine, Denny Chin, in the Southern of New  
23 York. He said of a case of massive white collar crime -- he  
24 says: Objectively speaking, the fraud was staggering. The  
25 breach of trust was massive. The crimes were extraordinarily

1 evil. Not nearly a bloodless crime that takes place on paper,  
2 but one that takes a staggering human toll. No other  
3 white-collared case is comparable in terms of scope, duration  
4 and the enormity of the fraud and the degree of portrayal.  
5 That was in the sentence of *United States v. Bernard L.*  
6 *Madoff*. I think that is the typical -- is the more analogous  
7 situation here of a methodical financial crime, devastating  
8 his victims over a prolonged period of time. Judge Chin  
9 actually imposed a 150-year sentence. Perhaps, I showed  
10 restraint. But the point is made that this sentence must  
11 speak the truth. And the truth here is that this is a  
12 reprehensible crime that deserves the most serious sanction.

13 Let me provide Mr. Murdaugh his appeal notice. You  
14 can appeal your conviction if you believe your guilty plea was  
15 somehow unlawful or involuntary, or if there was some other  
16 fundamental defect in the proceedings not waived by your  
17 guilty plea. You also have the right to appeal your sentence  
18 under certain circumstances, particularly, if you believe this  
19 sentence is contrary to the law and, again, not waived by your  
20 guilty plea. You must file an appeal within 14 days from the  
21 entry of judgment. Further, you have a right to apply to  
22 appeal in forma pauperis, and the clerk of court will prepare  
23 a notice of appeal upon your request.

24 From the defense, are there further matters to come  
25 before the Court?

1 MR. GRIFFIN: No, your Honor.

2 THE COURT: From the government?

3 MS. LIMEHOUSE: We'd ask that you incorporate the  
4 government's final order of forfeiture into the J in C. The  
5 total for forfeiture is \$10,034,377.95.

6 THE COURT: That motion is granted. Anything  
7 further, Ms. Limehouse?

8 MS. LIMEHOUSE: Nothing further, your Honor. Thank  
9 you.

10 THE COURT: This hearing is adjourned.

11 \* \* \* \* \*

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

14 s/Lisa D. Smith,

4/12/2024

15 Lisa D. Smith, RPR, CRR

Date

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**UNITED STATES DISTRICT COURT**  
District of South Carolina

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

vs.

RICHARD ALEXANDER MURDAUGH

Case Number: 9:23-CR-00396-RMG-1

USM Number: 61393-510

James Griffin, Esq., Richard Harpootlian, Esq., Philip Barber, Esq., and Margaret Fox, Esq.  
Defendant's Attorneys

**THE DEFENDANT:**

- pleaded guilty to Count(s) 1- 22.  
 pleaded nolo contendere to count(s) \_\_ which was accepted by the court.  
 was found guilty on Counts \_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Counts</u>
18:1343, 1344(2) and 1349	Please see Indictment	10/31/21	1
18:1344(2)	Please see Indictment	9/13/13	2
18:1343	Please see Indictment	5/12/14, 5/12/14, 12/26/18, 4/11/19, 12/16/20	3, 4, 5, 6 and 7
18:1343 and 1349	Please see Indictment	10/31/21	8
18:1956	Please see Indictment	8/31/18, 10/3/18, 10/19/18, 12/26/18, 1/9/19, 2/27/19, 4/11/19, 5/15/19, 2/27/20, 10/6/20, 11/30/20, 12/16/20, 1/29/21, 5/12/21	9 through 22

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_.
- Counts \_\_\_\_ dismissed on the motion of the United States.
- Forfeiture provision is hereby dismissed on motion of the United States Attorney.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

April 1, 2024  
Date of Imposition of Judgment

s/Richard M. Gergel  
Signature of Judge

RICHARD M. GERGEL, U.S. DISTRICT JUDGE  
Name and Title of Judge

April 1, 2024  
Date

**JA179**

DEFENDANT: RICHARD ALEXANDER MURDAUGH  
CASE NUMBER: 9:23-CR-00396-RMG-1

**IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of four hundred eighty (480) months. Said term consists of 360 months as to Counts One, Two, Three and Four, to run concurrently to one another and concurrently as to all other counts; 240 months as to Counts Five, Six, Seven, Eight, to run concurrently to one another and concurrently as to all other counts; and 120 months as to Counts Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-One, and Twenty-Two, to run concurrently to one another and consecutively as to all other counts. These terms shall run concurrently to the remainder of the undischarged state terms of imprisonment for the South Carolina General Sessions Court docket numbers referenced in Paragraph 189 of the presentence report, which were considered relevant conduct to the instant offenses of conviction, pursuant to USSG § 5G1.3(b)(2). Furthermore, these terms shall run concurrently to the prior undischarged state terms of imprisonment for the South Carolina General Sessions Court docket numbers referenced in Paragraph 190 of the presentence report, which were not considered relevant conduct to the instant offenses of conviction, pursuant to USSG § 5G1.3(d). The defendant shall pay a \$2,200.00 special assessment fee and restitution in the amount of \$8,762,731.88, both due beginning immediately. Restitution in the amount of \$102,221.90 is ordered jointly and severally with codefendant Cory Fleming under Dkt. #9:23-CR-00394; and Restitution in the amount of \$1,414,826.54 is ordered jointly and severally with codefendant Russell Laffitte under Dkt. #9:22-CR-00658.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this Judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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AO 245C (SCDC Rev. 10/20) Judgment in a Criminal Case  
Sheet 3 - Supervised Release

Page 3

DEFENDANT: RICHARD ALEXANDER MURDAUGH  
CASE NUMBER: 9:23-CR-00396-RMG-1

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years; consisting of 5 years as to Counts One through Four and Eight, and 3 years as to Counts Five, Six, Seven, and Nine through Twenty-Two, said terms to run concurrently. While on supervised release, the defendant shall comply with the mandatory and standard conditions of supervision and the following special conditions. 1. You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer. 2. You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office. 3. You must pay any remaining unpaid restitution balance imposed by the Court in minimum monthly installments of \$250.00 to commence 30 days after release from custody to Clerk, U.S. District Court, 85 Broad Street, Charleston, SC. Payments shall be adjusted accordingly, based upon your ability to pay as determined by the Court. 4. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must contribute to the cost of such program not to exceed the amount determined reasonable by the Court approved U.S. Probation Office's "Sliding Scale for Services," and you will cooperate in securing any applicable third-party payment, such as insurance or Medicaid.

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. § 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. §20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program of domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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DEFENDANT: RICHARD ALEXANDER MURDAUGH  
CASE NUMBER: 9:23-CR-00396-RMG-1

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines, based on your criminal record, personal history or characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

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AO 245C (SCDC Rev. 10/20) Judgment in a Criminal Case

Sheet 5 - Criminal Monetary Penalties

Page 5

DEFENDANT: RICHARD ALEXANDER MURDAUGH  
CASE NUMBER: 9:23-CR-00396-RMG-1

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	<b><u>\$2200.00</u></b>	<b><u>\$8,762,731.88</u></b>			

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Parker Law Group	\$4,544,730.15	\$4,544,730.15	100%
Palmetto State Bank	\$329,913.27	\$329,913.27	100%
CUMIS Insurance	\$3,875,000.00	\$3,875,000.00	100%
Pamela Pinckney	\$13,088.46	\$13,088.46	100%
<b>TOTALS</b>	<b>\$8,762,731.88</b>	<b>\$8,762,731.88</b>	

- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).  
The court determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived for the  fine  restitution.

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RICHARD ALEXANDER MURDAUGH  
 CASE NUMBER: 9:23-CR-00396-RMG-1

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A  Lump sum payment of \$2200.00 special assessment fee and restitution in the amount of \$8,762,731.88, both due immediately.  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D, or  E, or  F below: or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal monthly installments of \_\_\_ to commence \_\_\_ days after the date of this judgment; or
- D  Payment in equal monthly installments of \$250.00 to commence *30 days* after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within (*e.g., 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

<input checked="" type="checkbox"/> Joint and Several			
Case Number			
Defendant and Co-Defendant Names (including defendant number)			
	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate.
9:23-cr-00394-RMG-1 Cory Fleming	\$89,133.44	\$89,133.44	Parker Law Group
	\$13,088.46	\$13,088.46	Pamela Pinckney
9:22-cr-00658-RMG-1 Russell Lucius Laffitte	\$1,084,913.27	\$1,084,913.27	Parker Law Group
	\$329,913.27	\$329,913.27	Palmetto State Bank

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

As directed in the Preliminary Order of Forfeiture, filed 9-22-2023 and the said order is incorporated herein as part of this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA Assessment (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment (9) penalties, and (10) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 RICHARD ALEXANDER )  
 MURDAUGH )  
 )

CRIMINAL NO.: 9:23-cr-00396-RMG

**PRELIMINARY ORDER OF FORFEITURE AS TO  
RICHARD ALEXANDER MURDAUGH**

This matter is before the Court on the motion of the United States for a Preliminary Order of Forfeiture as to Defendant Richard Alexander Murdaugh based upon the following:

1. On May 23, 2023, an Indictment was filed charging Murdaugh with:
  - Count 1: Conspiracy to commit wire fraud and bank fraud, in violation of 18 U.S.C. §§ 1343, 1344 and 1349;
  - Count 2: Bank fraud, in violation of 18 U.S.C. § 1344;
  - Counts 3-7: Wire fraud, in violation of 18 U.S.C. § 1343;
  - Count 8: Conspiracy to commit wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349; and,
  - Counts 9-22: Money laundering, in violation of 18 U.S.C. § 1956.

2. Pursuant to Fed. R. Crim. P. 32.2(a), the Indictment contained a forfeiture allegation providing that upon Murdaugh's conviction, certain properties enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States. Such assets include, but are not limited to the following:

(1) Cash Proceeds/Forfeiture Judgment:<sup>1</sup>

A sum of money equal to all proceeds the Defendant obtained, directly or indirectly, from the offenses charged in this Indictment, that is, a minimum of approximately \$7,641,707.09 in United States currency, and all interest and proceeds traceable thereto, and/or such sum that equals all property derived from or traceable to his violations of 18 U.S.C. §§ 1343, 1344, and 1349.

(2) Money Laundering/Forfeiture Judgment:

A sum of money equal to all property involved in the money laundering offenses charged in this Indictment, and all interest and proceeds traceable thereto, for which the Defendant is liable as the result of his violations of 18 U.S.C. § 1956.

3. On September 21, 2023, Murdaugh pleaded guilty to Counts 1 through 22 of the Indictment and, pursuant to a written plea agreement, agreed to the entry of a forfeiture judgment.

4. Based upon Murdaugh's conviction, the Court has determined that the property described above is subject to forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), 982(a)(1), and 982(a)(2), and 28 U.S.C. § 2461(c).

5. Based upon Murdaugh's conviction, the Court has determined that the government has established the requisite nexus between the amount of proceeds and

---

<sup>1</sup> Per the written plea agreement, the government is pursuing a forfeiture judgment of at least \$9,000,000.00 against Murdaugh.

the offenses for which Murdaugh has been convicted; therefore, the United States is entitled to a preliminary order of forfeiture, subject to the provisions of 21 U.S.C. § 853 governing third party rights. The court has determined that the property described above is subject to forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), 982(a)(1), and 982(a)(2), and 28 U.S.C. § 2461(c).

Therefore, it is ORDERED that all property, real or personal, which constitutes, is traceable to, or is derived from proceeds traceable to the Defendant's violations of 18 U.S.C. §§ 1343, 1344, 1349, and 1956 are subject to forfeiture.

6. The Court further finds that one or more of the conditions set forth in 21 U.S.C. § 853(p) exists.

7. It is, therefore, ORDERED that the United States is entitled to forfeit substitute assets equal to the value of the proceeds obtained by Defendant Murdaugh as a result of his violations of 18 U.S.C. §§ 1343, 1344, 1349, and 1956, and that such substitute assets shall not exceed the value of the proceeds Defendant obtained.

Accordingly, it is hereby **ORDERED**,

1. The below-described property, and all right, title, and interest of the Defendant, Richard Alexander Murdaugh, in and to such property, is hereby forfeited to the United States of America, for disposition in accordance with law, subject to the rights of third parties in such property under 21 U.S.C. § 853(n).

2. FORFEITURE IS ORDERED against Murdaugh and in favor of the United States for \$9,000,000.00 in United States currency, along with appropriate costs and interest thereon at the rate provided for in 28 U.S.C. § 1961. The United States may at



any time move pursuant to Rule 32.2(e) to amend this Order to substitute property to satisfy the forfeiture judgment.

3. The United States may seize, sell, or otherwise dispose of any substitute assets in accordance with law as required to satisfy the above imposed forfeiture judgment.

4. Upon the entry of this Order, the United States Attorney is authorized to conduct proper discovery in identifying, locating, or disposing of the described property, or other substitute assets, in accordance with Fed. R. Crim. P. 32.2(b)(3); and to commence proceedings that comply with statutes governing third party rights, if applicable.

5. The government is not required to publish notice regarding the personal forfeiture judgment against the Defendant; however, the Order shall be recorded in the records of the County Clerk's Office in the County of the debtor's residence, place of business, and any and all other counties in which the debtor has either real or personal property, as a lien thereon.

6. Upon entry of the criminal judgment, this Order becomes final as to the Defendant, and shall be made a part of the sentence and included in the criminal judgment.

7. The court shall retain jurisdiction to enforce this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

8. The Clerk, United States District Court, shall provide one certified copy of this Order to the United States Attorney's Office.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel  
RICHARD M. GERGEL  
UNITED STATES DISTRICT JUDGE

September 22, 2023  
Charleston, South Carolina

COURTESY OF  
LUNA SHARK MEDIA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION**

UNITED STATES OF AMERICA

Criminal No.: 9:23-cr-0396-RMG

vs.

**NOTICE OF APPEAL**

RICHARD ALEXANDER MURDAUGH

Defendant.

Notice is hereby given that Richard Alexander Murdaugh, Defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from judgment of sentence entered in this action on April 1, 2024.

Respectfully Submitted,

By: s/ James M. Griffin  
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ATTORNEYS FOR DEFENDANT

Columbia, South Carolina  
April 15, 2024