

Career of prosecutor spans four decades

By FRAN SMITH

The small folding knife that Randolph "Buster" Murdaugh Jr. keeps in his pocket and uses to prune his camellias helped him get a conviction against a man who was charged with sexual assault against two Hilton Head Island women.

The suspect left the pocket knife, the weapon he had used to threaten his victim, at the scene of one of the attacks.

As evidence goes, it was a godsend.

The initials on the knife were those of a previously convicted "Peeping Tom," who had served six months on that charge and also six months for housebreaking. The suspect was arrested shortly.

In General Sessions Court only a few weeks after the crimes occurred, the defendant pleaded guilty to second-degree criminal sexual conduct and the judge sentenced him to nine years' imprisonment.

"Buster," pleased at maintaining his record of approximately 90 percent convictions or guilty pleas over 43 years in the business of prosecuting criminal cases in the 14th Judicial Circuit Court, hung onto the knife and began using it when he finds a ragged twig on one of his camellia bushes.

For him it's evidence that helped convict a criminal and a reminder that he's personally responsible for every criminal warrant issued in the five counties of Beaufort, Jasper, Allendale, Colleton and Hampton—geographically the largest circuit in the state.

A big man with a commanding presence, Murdaugh lives in Hampton, but nowadays spends a lot of weekends at his place on the Chechessee River. It's a small house that looks out toward Spring Island with Port Royal Sound beyond. Murdaugh and his family get to it—on Jerriott Island—over a small causeway that breaks off from the Chechessee Community.

From the retreat on Jerriott Island, he goes fishing and hunting and unwinds from the tension that is part of the business of investigating crimes and prosecuting criminals. There one day recently he chatted informally about crime and punishment, work and leisure and some of his experiences in the 14th Judicial Circuit.

S.C. Attorney General officials believe he has the solicitor's job longer than any other elected prosecuting attorney in the entire country.

"Detective work takes some practice," he said, "but I tell you the truth I enjoy investigating crimes."



Sam Burnett/Staff Photo

"Buster" Murdaugh at Chechessee

"When you've got a crime you have look at the whole thing and then begin pulling out the irrelevant parts, piece by piece," he added, using his hands as if demonstrating pulling trash out of a bag.

"Once you get rid of all the tangential stuff, then you'll find the solution right there, lying open for all to see," he said, spreading his hands.

"When you know who did it and make the arrest you just round out the evidence and plan how to present it to the court."

When Murdaugh says to the judge, "Your honor, please, the

state's ready" in such and such a case, he says it in a way that tends to convince those in the courtroom that the state is indeed "ready."

The solicitor says that by throwing out cases for which there's too little evidence to get a conviction he assures that neither the grand jury nor the petit jurors nor the witnesses nor the judge is going to waste time once court convenes.

"In the old days, I'd just tear up the warrant if it wasn't justified," he says, "but of course, we can't do that any more. On every criminal warrant

The way it was...



I have to get a prosecutive summary within 10 days after the arrest. If it seems to be valid, then we investigate it and prosecute it. If it's not, then I have to file a piece of paper with the clerk of court telling what happened to the case.

"That's to prevent pigeonholing, and it's an improvement over the old system, I think," he said.

Radio wasn't contraband

An example of a warrant that never made it for consideration of indictment by the grand jury was one accusing a jail inmate of possession of contraband in the jail. Murdaugh asked the arresting officer what the alleged contraband was and found out it was a radio.

"A radio is not contraband," he told the jailer, who had been irritated by the prisoner. "Forget that."

As another example, a deputy charged two suspects with safecracking in connection with the breaking and entering and vandalism at a Hilton Head Island laundromat. What the crook had "cracked" was a mechanical dollar-changer, a gadget that Murdaugh said could in no way be construed to be a "safe."

Murdaugh says over the years

he's developed a personal as well as professional antagonism toward repeated offenders and those he's convinced have murdered or stolen other people's property.

"We're going to do everything we can to stop murderers," he says, his jaw tightening. "Yeah, I think the death penalty is a deterrent."

"Another thing, I'll be damn if I'm going to put up with a thief."

"Buster" was born in Varnville, a farming community, sister town to Hampton, in 1915, the son of Randolph and Etta Harvey Murdaugh. His mother was the sister of Brantley Harvey, father of Brantley Harvey Jr. of Beaufort, former lieutenant

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Murdaugh commends those he has worked with

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governor. His father was an attorney whose clients included Landon Thorne and Alfred Loomis, Northern industrialists who owned the south end of Hilton Head Island. His father was elected solicitor of the circuit in 1920.

"Daddy lost all his money in banks in the Depression, so when I went to the University (of South Carolina) in 1932, I had to play football and work," Murdaugh said. "I played guard on a scholarship and worked from 7:30 p.m. to 2:30 a.m. for the Federal Land Bank in Columbia."

After graduating from the USC Law School in 1938, he came back to the Hampton area to practice law and began assisting his father in the solicitor's office—without pay.

After Murdaugh Sr. was killed in a train accident in 1940, "Buster" was elected to the solicitor's office.

"W.J. McLeod ran against me that year, and again in 1952," he says, "but I beat him both times, and nobody else has ever run against me."

Murdaugh doesn't mind saying why he thinks he's been able to hold onto the job longer than any other elected prosecuting attorney in the country: "I'd like to think I do a good job," he says.

"I've been fortunate in having good sheriffs to work with."

"You take Beaufort County. (The late) Sheriff Ed McTeer was the best law enforcement officer I ever met anywhere. (The late L.W.) Wallace was a fine law man until he got sick. And Morgan McCutcheon is doing a fine job."

Moonshine to cocaine

In 1938, 40 to 60 percent of the work of the solicitor's office involved moonshine liquor. As Murdaugh recalls, officers "didn't have much trouble out of Hilton Head" but found Daufuskie Island loaded with one elaborate illegal still after another.

Over more than four decades, the case load has shifted decidedly away from moonshine and toward burglary and larceny and "trouble." Instead of prosecuting people for having stills, he prosecutes them for selling cocaine. It's jewelry and television sets that they steal now instead of hogs, he explains.

As if warning lawbreakers,

Murdaugh has a ready story about a Hilton Head case that was prosecuted 40 years after the crime was committed.

"It's been a while now," he says, "but as I recall, a fellow was riding in his wagon somewhere by what is now the Fairfield area when he was ambushed and killed. The fellow that did it left the state and changed his name and figured we'd forgotten about him and the crime."

"But Ed McTeer kept the thing open, and when the fellow applied for Social Security 40 years later, he had to produce a birth certificate, and we caught him that way."

"The man who had been riding in the wagon with the victim happened to be still living, so we had a witness, and we went to trial and got a conviction," he says. "I believe he applied for his Social Security 40 years to the day that he killed the man in the wagon. That was a hell of a note, wasn't it?"

Both judges and juries have surprised Murdaugh from time to time, of course.

"Sometimes I'd think we had a

tight case, and they'd turn the defendant loose," he said. "Sometimes I'd think the defendant was guilty but wasn't convinced I could prove it, and the jury would give a verdict of guilty."

Almost humbly, "Buster" Murdaugh adds: "I have to assume that the judgment of 12 people is better than the judgment of one. So even when I think the jury's done wrong, I don't worry about it any more, once the verdict is read."

Then he has a second thought: "One time I got a conviction of a black man assaulting a white woman and the judge sent the man to the electric chair. After the trial I learned something I hadn't known before, facts that convinced me the man hadn't done it."

"I moved the court for a new trial and asked that the case be dismissed," he said. "It was the only thing I could do—and live with myself."

Building up a big law firm through the 1940s, 1950s, 1960s and early 1970s, Murdaugh said he was able to buy land and sell it and to invest in various small

businesses so that he became "independently wealthy." His wealth and the fact that he's not afraid of anybody have kept him, he says, from being pressured into either making cases or refusing to make cases.

"Oh, I've been threatened," he says. "I've had defendants tell me in the court room, 'I'm going to kill you when this is over,' but I don't worry about them. I couldn't do my job if I worried about it."

Without hesitation, Murdaugh can list some changes in the law enforcement and court system that he believes have been for the better since he's been in office.

"The pre-trial intervention program for young first offenders is a wonderful thing," he says. "It helps people who got started off wrong. It means we have a choice other than slapping them in the penitentiary or turning them loose."

"Long ago, juries were hand-picked, and they were all white male," he said. "A black man didn't have a fair chance. Now everybody's name's in the box, and that's fairer, even if we do get some rascals in there

sometimes."

"Buster" had the solicitor's job by himself for more than 20 years before his son, Randolph "Randy" Murdaugh III, began assisting him. Since then he's added two full-time assistants and a full-time investigator to his staff.

Besides Randy, who has four children, he has a daughter, Brenda, who lives in Columbus, Ga., and has three children.

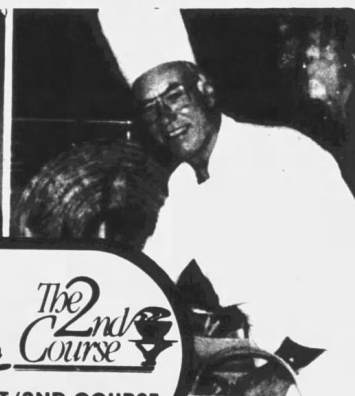
Warned by doctors in 1975 to reform some of his "workaholic" ways, Murdaugh decided to begin spending more time duck hunting and less time on business. He gave up his law practice and got his hands out of some of the businesses in which he had been involved.

He decided then to continue in the solicitor's job, however, and said recently that he plans to run for the office again in 1984.

For now, "Buster" appears to thrive on criminal investigation and prosecution and continues to spread a quiet across courtrooms when he steps up to the judges' bench and announces boldly, "Your honor, please, the state's ready."



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