

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

Indictment Nos. 2022-GS-15-00592, -593,
-594, and -595

**MOTION FOR DEFENDANT TO BE
UNSHACKLED IN THE COURTROOM**

Defendant Richard Alexander Murdaugh, through undersigned counsel, hereby moves for an order requiring the State to unshackle him and allow him to wear civilian clothing during trial and during pretrial courtroom proceedings in which news media are present with cameras.

The U.S. Supreme Court forbids shackling criminal defendants during trial absent a special need: “The law has long forbidden routine use of visible shackles during the guilt phase [of a criminal trial]; it permits a State to shackle a criminal defendant only in the presence of a special need.” *Deck v. Missouri*, 544 U.S. 622, 626 (2005). Because shackling is an “inherently prejudicial practice,” it “should be permitted only where justified by an essential state interest specific to each trial.” *Id.* at 628 (quoting *Holbrook v. Flynn*, 475 U.S. 560, 568–69 (1986)). This rule also applies to jury selection. *State v. Heyward*, 432 S.C. 296, 323, 852 S.E.2d 452, 466 (Ct. App. 2020) (“We agree the trial court abused its discretion in denying Heyward’s motion to remove his shackles during jury selection . . .”).

There is no specific, special need to shackle Mr. Murdaugh in the courtroom. He has not—and is not alleged to have—engaged in any behavior suggesting he is a threat to the courtroom or will somehow escape from it. “[S]ecurity measures should be adopted to prevent disruption of the trial, harm to those in the courtroom, escape of the accused, and prevention of other crimes.” *State v. Tucker*, 320 S.C. 206, 209, 464 S.E.2d 105, 107 (1995). “In all the cases in which shackling has

been approved, there has also been evidence of disruptive courtroom behavior, attempts to escape from custody, assaults or attempted assaults while in custody, or a pattern of defiant behavior toward corrections officials and judicial authorities.” *Duckett v. Godinez*, 67 F.3d 734, 749 (9th Cir. 1995).

The fact that Mr. Murdaugh is charged with murder cannot be a special need justifying shackling. If it could, every murder defendant would always be shackled every time he is in a courtroom. But that is not the law. Most of the cases holding defendants cannot be shackled at trial absent special need were murder prosecutions—*Deck* was a murder prosecution, so was *Heyward*, so was *Tucker*, so was *Duckett*. Even after a murder conviction in a capital case, the defendant may not be shackled in the courtroom before jury proceedings are complete, absent a specific need. *Deck*, 544 U.S. at 633 (“[C]ourts cannot routinely place defendants in shackles or other physical restraints visible to the jury during the penalty phase of a capital proceeding.”); *see also, e.g., Utah v. Young*, 853 P.2d 327, 350–51 (Utah 1993) (“The mere fact that a jury convicted a defendant of first degree murder is not a sufficient basis for a decision to shackle him during the penalty phase.”).

“Before a presumptively innocent defendant may be shackled, the court must make an individualized decision that a compelling government purpose would be served and that shackles are the least restrictive means for maintaining security and order in the courtroom.” *United States v. Sanchez-Gomez*, 859 F.3d 649, 661 (9th Cir. 2017) (en banc), *vacated and remanded on mootness grounds*, 200 L. Ed. 2d 792, 138 S. Ct. 1532 (2018). On this point, the decision by Judge Newman regarding shackling the defendant in *State v. Mahdi* is instructive. *Mahdi* was a capital murder case in which the defendant had embarked upon a four-state crime spree. *Mahdi v. Stirling*, No. CV 8:16-3911-TMC, 2018 WL 4566565, at *1 (D.S.C. Sept. 24, 2018), *aff’d*, 20 F.4th 846

(4th Cir. 2021). After fleeing police at a gas station in Calhoun County, Mahdi murdered a law enforcement officer at his home, then fled law enforcement again while armed with a semiautomatic rifle. *Id.* During the prosecution, a functioning, homemade handcuff key was found in the defendant's pocket, which he had smuggled into the courtroom in his mouth. *Id.* at *12. The prosecutor and sheriff therefore asked the court to have the defendant's hands shackled. *Id.* Even with that specific threat of escape, the court declined to have the defendant's hands shackled, reasoning that the sheriff was aware of the issue and would be able to keep the defendant from escaping without shackling his hands:

Judge Newman asked for input from both the solicitor and defense counsel. Solicitor Pascoe agreed with the sheriff and endorsed shackling Mahdi's hands and legs and using "any means possible to make sure the courthouse is secure."

...

Judge Newman then instructed the sheriff:

Sheriff, at this point, I will certainly agree that security is imperative

I believe that if you would use the leg irons, in addition to the chains, but, at this point, I would not want to have him shackled in the presence of the jury with his shackles being visible due to the effect that it may have on his right to a fair trial. We'll step up the measures and if anything further happens, I'm sure you'll be on top of it and we can address it from there. Thank you very much.

Id. There is no apparent reason why a more stringent rule should apply to Mr. Murdaugh, who has not evaded law enforcement, attacked law enforcement, attempted to escape from law enforcement, or engaged in any activity threatening law enforcement or court personnel. Mr. Murdaugh surrendered when first charged with crimes, and when he was released on bond he complied with every condition of his release. He has threatened no one and no one had to search for him. Thus, in this case, shackles are not "the least restrictive means for maintaining security

and order in the courtroom” and “no compelling government purpose would be served” by shackling Mr. Murdaugh in the courtroom.

In opposition to this Motion, Mr. Murdaugh anticipates the State will argue (1) that murder defendants in South Carolina are usually shackled in pretrial court appearances and that Mr. Murdaugh should be no different, and (2) that Mr. Murdaugh has been sentenced for various financial crimes and is currently serving a lengthy prison sentence. It is true that murder defendants are typically shackled in pretrial hearings, but most murder defendants do not have TV crews filming every pretrial hearing. Those who do, like Mr. Murdaugh, have a constitutional right to be unshackled unless there is an articulable security issue specific to the individual defendant. The issue is how the Court allows the defendant in this case to be displayed to the jury pool in advance of jury selection, not evenhandedness regarding the relative physical comfort of criminal defendants across South Carolina. Likewise, Mr. Murdaugh’s convictions for non-violent white-collar crimes in no way justify presenting him to the jury pool as a shackled prisoner in a prison jumpsuit via video cameras at televised pretrial hearings.

Mr. Murdaugh therefore respectfully requests the Court order the State to allow him to appear unshackled and in civilian clothing for trial and for any pretrial courtroom proceedings in which news media are present with cameras.

Respectfully submitted,


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Attorneys for Richard Alexander Murdaugh

June 17, 2026
Columbia, South Carolina.

JUN 17 2026 PM4:10
COLLETON CO GS, GARY HALE

COURTESY OF A
FOIA AROUND AND FIND OUT SPONSOR

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

) IN THE COURT OF GENERAL SESSIONS
) FOURTEENTH JUDICIAL CIRCUIT
)

The State of South Carolina,

Indictment Nos. 2022GS1500592 – 00595

Plaintiffs,

vs.

CERTIFICATE OF SERVICE

Richard Alexander Murdaugh,

Defendant.

I, Holli Miller, paralegal to the attorney for the Defendant, with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on June 17, 2026, did serve via email the following document to the below mentioned person:

Document: Motion for Defendant to be Unshackled in the Courtroom

Served: Creighton Waters, Esquire
Office of The Attorney General
cwaters@scag.gov


Holli Miller

JUN 17 2026 PM 4:10
COLLETON CO GS, GARY HALE

COURTESY OF A
FOIA AROUND AND FIND OUT SPONSOR

The Supreme Court of South Carolina

State of South Carolina

vs.

Richard Alexander Murdaugh,

Defendant.

Colleton County
2022-GS-15-00592
2022-GS-15-00593
2022-GS-15-00594
2022-GS-15-00595

ORDER

On March 2, 2023, the Defendant was convicted of two counts of murder and two counts of possession of a weapon during the commission of a violent crime, and he was sentenced to life imprisonment on March 3, 2023. On October 27, 2023, the Defendant filed a motion for a new trial, which was denied by the circuit court. On May 13, 2026, the Supreme Court of South Carolina reversed the denial of the Defendant's motion for a new trial and remanded the case to the circuit court, and the remittitur was sent on May 29, 2026.

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the Honorable Debra R. McCaslin be vested with exclusive jurisdiction to hear and dispose of all general sessions matters, including trials by jury and civil forfeiture actions, and all motions arising from the above-referenced indictment numbers. Judge McCaslin's jurisdiction includes jurisdiction over any future retrial on the murder charges and any related matters. Judge McCaslin shall decide all matters pertaining to these indictment numbers, and pursuant to this assignment shall retain jurisdiction over this case regardless of where she may be assigned to hold court.

Pursuant to this assignment, Judge McCaslin is to have and exercise all powers and duties appertaining to a Circuit Judge of the Fourteenth Judicial Circuit while presiding over this matter.

s/ John W. Kittredge

John W. Kittredge
Chief Justice of South Carolina

Columbia, South Carolina
June 8, 2026

JUN 10 2026 AM 10:23
COLLETON CO GS/GARY HALE

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The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

BLAIRE CANN
CHIEF DEPUTY CLERK

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May 29, 2026

The Honorable Gary Hale
PO Box 620
Walterboro, SC 29488-0028

REMITTITUR

Re: The State v. Richard A. Murdaugh
Lower Court Case No. 2022GS1500592, 2022GS1500593,
2022GS1500594, 2022GS1500595
Appellate Case No. 2023-000392 and 2024-000576

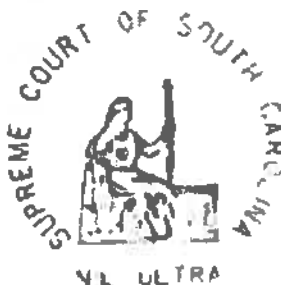
Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Patricia A. Howard

CLERK



cc: Richard A. Harpootlian
Phillip Donald Barber
James Mixon Griffin
Margaret Nicole Fox
Alan McCrory Wilson
Samuel Creighton Waters
Melody Jane Brown
Donald J. Zelenka
Andrew R. Hand
Mark Reynolds Farthing
Joshua Abraham Edwards

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RUTHLESS TO THE INSURANCE COMPANIES
SPECIAL THANKS TO RUTHRIVERALAW.COM

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**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State, Respondent,

v.

Richard Alexander Murdaugh, Appellant.

Appellate Case Nos. 2023-000392 and 2024-000576

Appeal from Colleton County
Clifton Newman, Circuit Court Judge
Jean Hoefer Toal, Circuit Court Judge

Opinion No. 28329
Heard February 11, 2026 – Filed May 13, 2026

REVERSED AND REMANDED

Richard A. Harpootlian, Phillip Donald Barber, and
Andrew R. Hand, all of Richard A. Harpootlian, P.A.;
James Mixon Griffin and Margaret Nicole Fox, both of
Griffin Humphries LLC, all of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Deputy Attorney
General Donald J. Zelenka, Senior Assistant Deputy
Attorney General Samuel Creighton Waters, Senior
Assistant Deputy Attorney General Melody Jane Brown,
Senior Assistant Deputy Attorney General Mark Reynolds
Farthing, and Assistant Attorney General Joshua Abraham
Edwards, all of Columbia, for Respondent.

PER CURIAM: For six weeks in early 2023, the eyes of the nation focused on Colleton County, where the State prosecuted notorious former attorney Richard Alexander Murdaugh for the murders of his wife, Maggie, and son, Paul. Both the State and Murdaugh's defense skillfully presented their cases to the jury as the trial court deftly presided over this complicated and high-profile matter. However, their efforts were in vain because Colleton County Clerk of Court Rebecca Hill placed her fingers on the scales of justice, thereby denying Murdaugh his right to a fair trial by an impartial jury. Our justice system provides—indeed demands—that *every* person is entitled to a fair trial, which includes an impartial jury untainted by external forces bent on influencing the jury toward a biased verdict. Although we are aware of the time, money, and effort expended for this lengthy trial, we have no choice but to reverse the denial of Murdaugh's motion for a new trial due to Hill's improper external influences on the jury and remand for a new trial. Because we order a new trial on this basis, it is not necessary that we review every evidentiary issue Murdaugh raises on appeal from his conviction. However, we address the admissibility of Murdaugh's financial crimes to offer guidance on this thorny issue to the trial court on remand.

I. Factual and Procedural Background

On March 2, 2023, Murdaugh was convicted of the murders of his wife, Margaret Murdaugh, and his son, Paul Murdaugh, as well as two counts of possession of a weapon during the commission of a violent crime. The trial court (Judge Newman) sentenced him to life in prison. While his direct appeal of these convictions was pending at the court of appeals, Murdaugh filed a motion to hold the appeal in abeyance to allow him to file a motion for a new trial; the court of appeals granted this motion. On October 27, 2023, Murdaugh moved for a new trial, asserting Hill tampered with the jury by (1) advising it not to believe Murdaugh's testimony and other defense evidence; (2) pressuring it to reach a quick guilty verdict; and (3) misrepresenting information to the trial court in an attempt to have the court remove a juror she believed to favor the defense. He attached affidavits from several jurors to support his motion. Chief Justice Beatty appointed former Chief Justice Toal (post-trial court) to preside over this motion, as the trial court judge had recused himself.

The post-trial court conducted the hearing of this motion on January 26 and 29, 2024. During the hearing, the post-trial court asked each juror (1) if the guilty verdict was an accurate statement about their verdict at that time; (2) whether their verdict was "based entirely on testimony, evidence, and law presented" in the case; (3) whether

they heard Hill make any comment about the case before the verdict; and (4) whether their verdict was influenced in any way by any communications by Hill.

Juror X, who testified on the first day of the hearing, acknowledged hearing Hill say before Murdaugh's testimony, "looks like the defendant is going to testify[;] [t]his is an important day," or "this is an epic day," and that it was rare for a defendant to testify. Juror X said these statements did not impact the verdict.

Juror Z, who submitted one of the affidavits Murdaugh attached to his motion for a new trial, was the first juror to testify on the second hearing date. When asked whether she heard Hill make any comments about the case, Juror Z responded that Hill said "[t]o watch his actions" and "[t]o watch him closely." Juror Z added that Hill said more, but she could not remember anything else. Juror Z explained Hill's statements influenced her finding Murdaugh guilty because "[t]o me, it felt like she made it seem like he was already guilty." At the State's request, the post-trial court questioned Juror Z about her affidavit, addressing each paragraph in turn. Juror Z's affidavit gave a more detailed recitation of Hill's comments:

Toward the end of the trial, after the Presidents' Day break but before Mr. Murdaugh testified, the clerk of court, Rebecca Hill, told the jury "not to be fooled" by the evidence presented by Mr. Murdaugh's attorneys, which I understood to mean that Mr. Murdaugh would lie when he testifies.

She also instructed the jury "to watch him closely" immediately before he testified, including [to] "look at his actions" and "look at his movements," which I understood to mean he was guilty.

Juror Z testified that when the jury began deliberations, Hill told the jury, "[T]his shouldn't take us long." In addition to referencing Hill's statements, Juror Z averred in her affidavit, "I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors."

After reviewing the affidavit, the post-trial court questioned Juror Z:

I asked you previously was your verdict on March 2, 2023, influenced in any way by communications from Becky Hill, the clerk of court. You answered that question yes.

In light of what you said in the affidavit, which is: "I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors[,]" [i]s that answer that I just read a more accurate statement of how you felt?

Juror Z answered affirmatively. The post-trial court then asked if she stood by the affidavit, and she answered yes. Juror Z subsequently submitted an affidavit to clarify her testimony, in which she explained that she felt influenced to find Murdaugh guilty by Hill's remarks before she entered the jury room, and once deliberations began, she felt additional pressure from the other jurors to reach a guilty verdict. Although the post-trial court did not admit this affidavit, it accepted it as a proffer. Thus, the affidavit is part of the record before this Court.

Juror P testified that on the day Murdaugh was to take the stand, Hill made a comment to "watch his body language." He denied Hill's comments influenced him in any way.¹ The remaining jurors testified that they did not hear Hill make any comments about the case, and they were not influenced by any comments Hill made.

Following the jurors' testimony, the State called Hill as a witness. Although Hill denied making most of the comments the jurors related, she admitted that on the day Murdaugh testified, and within earshot of some jurors, she spoke to the bailiff about Murdaugh's decision to testify. She also stated that she gave the jurors a "little talk," instructing them to pay attention and that the day was a "big day." She denied attempting to influence the jury.

In discussing her book, *Behind the Doors of Justice: The Murdaugh Murders*,² Hill claimed "literary license" to explain some of the more dramatic passages. She denied wanting a guilty verdict because it would sell more books, claiming the outcome of the trial did not matter to her, but she acknowledged as true a passage in

¹ Following Juror Z's testimony, the post-trial court informed the parties that the other jurors who were waiting for their turn to testify had tuned in to the proceeding on Court TV. The jurors either denied viewing the proceeding or, if they saw it, asserted it would not influence their testimony.

² As her book's title suggests, it turns out Hill was quite busy behind the doors of justice, thwarting the integrity of the justice system she was sworn to protect and uphold. The book was pulled from publication because Hill plagiarized portions of it.

which she stated she believed Murdaugh was guilty but was concerned he would be acquitted because of his family's goodwill in the community.

The post-trial court also questioned Hill about the favors she granted the media. Hill denied allowing the press to view the exhibits, including the sealed exhibits; however, she subsequently pled guilty to perjury stemming from this denial. Although the post-trial court limited discussion of Juror 785,³ whom the trial court dismissed on the day deliberations began for allegedly discussing the case with third parties, it allowed Murdaugh to question Hill about bringing to the trial court's attention social media posts that Hill mistakenly believed were from Juror 785's ex-husband. Hill claimed that the juror was very talkative while Hill walked her to the trial court's chambers and volunteered that there were restraining orders on her ex-husband when they divorced. In response to the post-trial court's questioning, Hill continued to deny initiating or engaging the juror in discussion of these matters.

In contrast to Hill's testimony, Juror 785 averred at the hearing before the trial court and in an affidavit Murdaugh attached to his motion for a new trial⁴ that Hill interrogated her about the social media posts and whether she had been in contact with her ex-husband. In the affidavit, Juror 785 related that Hill, knowing the juror's fears about her ex-husband, informed her that law enforcement officers questioned the ex-husband about the posts, offered to reinstate restraining orders Juror 785 had against him, and speculated that the "the Murdaughs probably got to" the ex-husband when he called Juror 785 on the morning of the verdict. Juror 785 asserted Hill asked her whether she and the other jurors were inclined to vote guilty or not and told her that everything Murdaugh said had been lies. She also stated that before Murdaugh testified, Hill told the jurors not to be "fooled by" the evidence Murdaugh's attorneys presented.

Rhonda McElveen, the Barnwell County Clerk of Court who assisted Hill with the trial, testified that Hill repeatedly told her she wanted to write a book so she could buy a lake house, and a guilty verdict would be the best way to sell books. McElveen testified that, after hearing Hill had given a juror a ride home, McElveen counseled

³ When the trial court dismissed Juror 785, she said her belongings left in the jury room included a dozen eggs, which another juror had brought her; she then became known as the "Egg Juror" or "Egg Lady."

⁴ Although the post-trial court did not allow Juror 785 to testify, her affidavit is in the record for our consideration.

her that it was inappropriate, and while Hill admitted she gave the juror a ride, she claimed the bailiff was with them, and they did not discuss the case.⁵ Although McElveen did not hear Hill say anything inappropriate to the jurors, she stated that Hill made comments to her, staff, and media members strikingly similar to those Juror Z reported, such as advising them not to be fooled by Murdaugh's attorneys and to look at Murdaugh's actions and movements while he testified. Finally, McElveen testified that Hill seated a writer with court personnel; this writer wrote the foreword for Hill's book.

Next, Murdaugh called the alternate juror to testify. She described the incident in which Hill made her comments before Murdaugh put up his case, stating that while the jurors were assembled in one of the two jury rooms or were standing in the hall, Hill stood at the doorway and told them, "They're going to say things that will try to confuse you. Don't let them confuse you or convince you or throw you off." The alternate juror also testified that Hill told the jurors not to be nervous, and "Don't be afraid to show your emotions because that's what they want to see." The alternate juror related she heard a court staff member say deliberations should not take long, but she could not remember who said it.

In its order, the post-trial court declared the burden was on Murdaugh to show both an external influence on the jury and prejudice from that influence. It then found Hill made improper comments to the jurors on the day Murdaugh testified, e.g., "this is an important day" or "this is an epic day" and that they should watch Murdaugh's body language. The post-trial court determined Hill's denial of making these statements was not credible, finding Hill wanted to write a book, which she believed a guilty verdict would help sell; she was "attracted by the siren call of celebrity"; and "[s]he allowed her desire for the public attention of the moment to overcome her duty to her oath of office and her oath as a witness."

Next, the post-trial court found that these comments did not affect any juror's verdict. It explained Juror Z's assertions that Hill's comments affected her verdict were ambivalent, self-contradictory, and not credible, emphasizing Juror Z had acknowledged her statement in her affidavit that she had voted guilty due to pressure from other jurors was the "more accurate statement." The post-trial court further found that Hill's comments "were limited in subject and not overt as to opinion, were only heard by, at most, three jurors, and were made in a case with overwhelming and compelling evidence," and that the trial court's extensive instructions cured any

⁵ At the hearing, Hill denied giving a juror a ride home.

effect from these comments. The post-trial court concluded that while it found Murdaugh had failed to meet his burden to prove prejudice, any presumption of prejudice was overcome. It, therefore, denied Murdaugh's motion for a new trial. Murdaugh timely appealed to the court of appeals. This Court certified the appeal of the denial of the motion for new trial and subsequently consolidated it with the direct appeal.

II. Law and Analysis

A. *Remmer* Presumption of Prejudice

Murdaugh argues he was denied his constitutional right to a fair trial by an impartial jury free from outside influences. He asserts that following *Remmer v. United States*, 347 U.S. 227 (1954) (*Remmer I*), prejudice should be presumed from Hill's comments to the jury and that the presumption is irrebuttable. In the alternative, he contends the State failed to rebut the presumption of prejudice.

The State argues the jury convicted Murdaugh "because he was obviously guilty, and not because three jurors heard Hill's 'foolish and fleeting' comments about his upcoming testimony." It contends that the post-trial court correctly declined to presume prejudice, and any presumption of prejudice was rebuttable.

We agree with Murdaugh. Prejudice is presumed from Hill's comments, and while this presumption is rebuttable, the State failed to overcome this presumption.

Our federal and state constitutions guarantee a criminal defendant the right to a fair trial by an impartial jury. U.S. Const. amend. VI; S.C. Const. art. I, § 14. "No right touches more the heart of fairness in a trial" than the right to an impartial jury. *Barnes v. Joyner*, 751 F.3d 229, 240 (4th Cir. 2014) (quoting *Stockton v. Virginia*, 852 F.2d 740, 743 (4th Cir. 1988)). This "right can be infringed when a third party makes improper contact with the jury, for the right is meaningful only if the jury remains free from outside influence, including exposure to evidence or information that has not been introduced during the trial." *State v. Green*, 427 S.C. 223, 235, 830 S.E.2d 711, 716 (Ct. App. 2019) (*Green I*), *aff'd as modified*, 432 S.C. 97, 851 S.E.2d 440 (2020) (*Green II*). To protect the right to an impartial jury in such cases, the Supreme Court of the United States created a rebuttable presumption of prejudice (the *Remmer* presumption) elucidating:

[A]ny private communication, contact, or tampering directly or indirectly, with a juror during a trial about the

matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties. The presumption is not conclusive, but the burden rests heavily upon the Government to establish, after notice to and hearing of the defendant, that such contact with the juror was harmless to the defendant.

Remmer I, 347 U.S. at 229.

The United States Court of Appeals for the Fourth Circuit noted that in addition to the presumption of prejudice, "*Remmer* established a separate, but related requirement that a defendant be entitled to a hearing when the defendant presents a credible allegation of communications or contact between a third party and a juror concerning the matter pending before the jury." *Barnes*, 751 F.3d at 243.

The Fourth Circuit established a three-step test for considering extrajudicial contacts with the jury:

The party who is attacking the verdict bears the initial burden of introducing competent evidence that the extrajudicial communications or contacts were more than innocuous interventions. If this minimal standard is satisfied, the *Remmer I* presumption is triggered automatically. The burden then shifts to the prevailing party to prove that there exists no reasonable possibility that the jury's verdict was influenced by an improper communication.

United States v. Cheek, 94 F.3d 136, 141 (4th Cir. 1996) (cleaned up).

The Fourth Circuit further provided that in determining whether the extrajudicial contact was innocuous or whether it triggered the presumption, the court considers whether there was: "(1) any private communication; (2) any private contact; (3) any tampering; (4) directly or indirectly with a juror during trial; (5) about the matter before the jury." *Id.* (citing *Remmer I*, 347 U.S. at 229). "An unauthorized contact between a third party and a juror concerns the matter pending before the jury when

it is 'of such a character as to reasonably draw into question the integrity of the verdict.'" *Barnes*, 751 F.3d at 248 (quoting *Stockton*, 852 F.2d at 743).

Once the *Remmer* presumption is triggered, the State bears the heavy burden of proving "there is no reasonable possibility that the verdict was affected by the contact." *Cheek*, 94 F.3d at 142. The "court must examine the 'entire picture,' including the factual circumstances and the impact on the juror." *Id.* (quoting *Remmer v. United States*, 350 U.S. 377, 379 (1956) (*Remmer II*)). In determining whether the State met its burden of rebutting the *Remmer* presumption, courts consider a variety of factors such as "the extent of the improper communication, the extent to which the communication was discussed and considered by the jury, the type of information communicated, the timing of the exposure, and the strength of the [State's] case." *United States v. Basham*, 561 F.3d 302, 320 (4th Cir. 2009); see *State v. Kelly*, 331 S.C. 132, 141-42, 502 S.E.2d 99, 104 (1998) ("Relevant factors to be considered in determining whether outside influences have affected the jury are the number of jurors exposed, the weight of the evidence properly before the jury, and the likelihood that curative measures were effective in reducing the prejudice."). "[T]he extent of the communication [is] the most important factor." *Basham*, 561 F.3d at 320.

In *Parker v. Gladden*, the Supreme Court recognized the extreme prejudice inherent in statements concerning the matter at trial when made by an officer of the court.⁶ 385 U.S. 363, 365 (1966). There, a bailiff, who oversaw a sequestered jury during an eight-day trial, stated to a juror, in the presence of other jurors, "Oh that wicked fellow (petitioner), he is guilty." *Id.* at 363. The bailiff also told another juror "If there is anything wrong (in finding petitioner guilty) the Supreme Court will correct it." *Id.* at 363-64. At least one juror or alternate overheard the statements. *Id.* at 364. In rejecting the State's argument that no prejudice was shown, the Supreme Court explained, "This [argument] overlooks the fact that the official character of the bailiff—as an officer of the court as well as the State—beyond question carries great weight with a jury which he had been shepherding for eight days and nights." *Id.* at 365. Although the Supreme Court noted the twenty-six hour jury deliberations and one juror's testimony she was prejudiced also supported the trial court's finding of prejudice, it held "that the unauthorized conduct of the bailiff 'involves such a probability that prejudice will result that it is deemed inherently lacking in due process.'" *Id.* (quoting *Estes v. Texas*, 381 U.S. 532, 542-43 (1965)). It further recognized that "'it would be blinking reality not to recognize the extreme prejudice

⁶ The Supreme Court did not apply the *Remmer* analysis.

inherent' in such statements that reached at least three members of the jury and one alternate member." *Id.* (quoting *Turner v. Louisiana*, 379 U.S. 466, 473 (1965)).

However, not all comments by officers of the court are prejudicial. In *Green*, a juror asked a bailiff "what would happen in the event of a deadlock, and he responded the judge would likely give them an *Allen*⁷ charge and ask if they could stay later." *Green I*, 427 S.C. at 229, 830 S.E.2d at 713. While the court of appeals held the State overcame the *Remmer* presumption, this Court held the bailiff's comments did not trigger the presumption. *Green II*, 432 S.C. at 99-100, 851 S.E.2d at 441. We explained that "[o]ur unwillingness to categorically apply the *Remmer* presumption of prejudice stems from our view that not every inappropriate comment by a bailiff to a juror rises to the level of constitutional error." *Id.* at 100, 851 S.E.2d at 441.

As the Fourth Circuit recognized, "there is a split among the circuits regarding the issue whether the *Remmer* presumption has survived intact following" the Supreme Court's decisions in *Smith v. Phillips*, 455 U.S. 209 (1982), and *United States v. Olano*, 507 U.S. 725 (1993).⁸ *United States v. Lawson*, 677 F.3d 629, 642-44 (4th Cir. 2012) (collecting cases and recognizing the split in the circuits).

In *Phillips*, the Supreme Court declined to impute bias to a juror who applied for a job in the prosecutor's office during Phillips' trial. 455 U.S. at 212, 218. In reversing the grant of federal habeas relief, the Supreme Court declared "that the remedy for allegations of juror partiality is a hearing in which the defendant has the opportunity to prove actual bias." *Id.* at 215. The Court explained that "due process does not require a new trial every time a juror has been placed in a potentially compromising situation." *Id.* at 217. Instead, due process necessitates "a jury capable and willing to decide the case solely on the evidence before it, and a trial judge ever watchful to

⁷ *Allen v. United States*, 164 U.S. 492 (1896).

⁸ In both *Phillips* and *Olano*, the Supreme Court noted the cases' procedural postures informed the outcomes. See *Phillips*, 455 U.S. at 218 ("Of equal importance, this case is a federal habeas action in which [the trial court's] findings are presumptively correct under 28 U.S.C. § 2254(d)."); *Olano*, 507 U.S. at 730 (applying plain error standard because *Olano* did not object to the alternate jurors' presence in the jury room); *Olano*, 507 U.S. 736 ("The Court of Appeals should correct a plain forfeited error affecting substantial rights if the error 'seriously affect[s] the fairness, integrity or public reputation of judicial proceedings.'" (alteration in original) (quoting *United States v. Atkinson*, 297 U.S. 157, 160 (1936))).

prevent prejudicial occurrences and to determine the effect of such occurrences when they happen." *Id.*

In *Olano*, the Supreme Court considered whether the presence of alternate jurors during jury deliberations was a "plain error" that the court of appeals was authorized to correct under Federal Rule of Criminal Procedure 52(b). 507 U.S. at 730. Noting the alternate jurors' presence was not the type of error that affected "substantial rights independent of its prejudicial impact," the Court found "no reason to presume prejudice." *Id.* at 737 (quoting F. R. Crim. P. 52(b)). It explained, "There may be cases where an intrusion should be presumed prejudicial, but a presumption of prejudice as opposed to a specific analysis does not change the ultimate inquiry: Did the intrusion affect the jury's deliberations and thereby its verdict?" *Id.* at 739 (citations omitted).

Neither *Phillips* nor *Olano* expressly overruled the *Remmer* presumption. Indeed, in *Olano*, the Court specifically recognized that prejudice should be presumed from certain intrusions, just not from alternate jurors, who have been properly instructed not to deliberate, sitting in on the deliberations of a jury. 507 U.S. at 739. The Fourth Circuit rejected the argument that the Supreme Court overturned the *Remmer* presumption of prejudice attached to extrajudicial communications with the jury, declaring the presumption remained "[a]live and well in the Fourth Circuit." *Lawson*, 677 F.3d at 642; see *Barnes*, 751 F.3d at 243 (noting "the *Remmer* presumption is clearly established federal law . . . even after the Supreme Court's decisions in *Phillips* and *Olano*"); *Barnes*, 751 F.3d at 246 (concluding North Carolina state court's "adjudication of Barnes'[s] juror misconduct claim" without allowing a hearing on the claim or following the *Remmer* presumption "amounted to an unreasonable application of clearly established federal law"); *Jenkins v. State*, 825 A.2d 1008, 1026 (Md. 2003) ("While [*Phillips*] and *Olano* may somewhat limit the scope of presumptive prejudice, they do not preclude such a presumption in all situations, *i.e.*, where excessive or egregious jury misconduct or improper contact by a third party occurs.").

The Fourth Circuit explained the *Remmer* presumption applies in cases where "the danger is not one of juror impairment or predisposition, but rather the effect of an extraneous communication upon the deliberative process of the jury." *Barnes*, 751 F.3d at 242 (quoting *Stockton*, 852 F.2d at 744). Thus, "[t]he distinction between internal and external jury influences is critical because, unlike external influences, which 'necessitate a thorough judicial inquiry, no such obligation is imposed with regard to an internal jury influence.'" *Id.* at 245-46 (quoting *Wolfe v. Johnson*, 565 F.3d 140, 161 (4th Cir. 2009)); *State v. Zeigler*, 364 S.C. 94, 110, 610 S.E.2d 859,

867 (Ct. App. 2005) ("External influence on a jury involves situations where jurors receive information during deliberations from some outside source" while "[i]nternal influences involve information coming from the jurors themselves."); *see, e.g., Remmer I*, 347 U.S. at 229-30 (remanding for a hearing when a juror was offered a bribe during trial and later was investigated by an FBI agent); *Turner*, 379 U.S. at 467-71 (finding a defendant was denied the right to a trial by an impartial jury when two deputy sheriffs, who were key prosecution witnesses, were responsible for the sequestration of the jury during which time they "ate with [the jury], conversed with them, and did errands for them," even where there was no evidence that the deputies discussed the case with the jurors); *Fullwood v. Lee*, 290 F.3d 663, 681-82 (4th Cir. 2002) (holding defendant should have been afforded a hearing to determine whether a juror's husband repeatedly instructing her to vote for a death sentence would entitle defendant to relief was proven); *Cheek*, 94 F.3d at 144 (holding a defendant was entitled to a presumption of prejudice from his co-defendant's attempt to bribe a juror and the State failed to rebut the presumption); *Stockton*, 852 F.2d at 743-45 (holding the presumption of prejudice attached when a local restaurant owner suggested to jurors in a capital case that "they ought to fry the son of a bitch"); *State v. Cameron*, 311 S.C. 204, 208, 428 S.E.2d 10, 12 (Ct. App. 1993) (holding a bailiff's response to the foreperson that the jury should not worry if they were deadlocked over the issue of mercy "because the judge was fair" was prejudicial because it was misleading and "tended to lessen the jury's sense of responsibility by implying that if they rendered a verdict of guilty without mercy, the judge had some discretion in sentencing").⁹

Our decision in *Green II* did not deviate from *Remmer* or its Fourth Circuit progeny. Adhering to *Remmer*, we held only that the facts of the case did not warrant applying the presumption, while leaving in place the court of appeals' holding that the trial court must follow the *Remmer* procedure when it learns of an allegedly improper contact with the juror. *Green II*, 432 S.C. at 100, 851 S.E.2d at 441; *see Green I*, 427 S.C. at 235, 830 S.E.2d at 717 (holding that "[i]n the event the trial court learns of an allegedly improper contact with a juror, the procedure of *Remmer v. United States* must be followed"). The Fourth Circuit has long recognized "that certain kinds of extrajudicial contacts may amount to nothing more than innocuous

⁹ The post-trial court erred as a matter of law in relying on *State v. Aldret*, 333 S.C. 307, 314, 509 S.E.2d 811, 814 (1999) in holding that the defendant must demonstrate prejudice from jury misconduct in order to be entitled to a new trial. *Aldret* addressed the issue of premature deliberations, a form of internal jury influence. *Id.* at 310-11, 509 S.E.2d at 812-13.

interventions that simply could not justify a presumption of prejudicial effect." *Haley v. Blue Ridge Transfer Co.*, 802 F.2d 1532, 1537 n.9 (4th Cir. 1986).

We acknowledge that this Court has not always employed the *Remmer* presumption when considering external influences on the jury. In *Kelly*, an appellant asserted the trial court erred in denying his motion for mistrial when a capital case juror shared a pro-death penalty pamphlet in the jury room during the penalty phase of the trial. 331 S.C. at 139, 502 S.E.2d at 103. Because the appellant framed the issue on appeal as the denial of a mistrial, the Court noted that "In order to receive a mistrial, the defendant must show error and resulting prejudice" and held the appellant failed to show prejudice. *Id.* at 142, 502 S.E.2d at 104. We did not discuss *Remmer*.

In *State v. Bryant*, 354 S.C. 390, 391-96, 581 S.E.2d 157, 158-61 (2003), a death penalty appellant moved for a new trial after discovering detectives from the same police department as the victim contacted jurors' families, after the jurors were death penalty qualified, but before the jury was selected. Citing *Remmer* and *Phillips*, this Court held that "[i]n cases where a juror's partiality is questioned after trial, it is appropriate to conduct a hearing in which the defendant has the opportunity to prove actual juror bias." *Id.* at 395, 581 S.E.2d at 160. We noted the detectives' actions "could have been perceived as an attempt to intimidate jurors" and concluded that "[g]iven the nature of the case, the timing of the inquiries, and the questions which were asked," the jury could not have been fair and impartial. *Id.* at 396-97, 581 S.E.2d at 161. Thus, while we did not discuss *Remmer*'s rebuttable presumption, we essentially followed the procedure, recognizing that *Remmer* and *Phillips* entitled the appellant to a hearing in which he had the initial burden of proving the detectives' actions were more than innocuous interventions and then rejecting the State's argument that the appellant was not prejudiced. *Id.* at 392, 395-97, 581 S.E.2d at 159-61; *see generally Cheek*, 94 F.3d at 141 (discussing the three-step analysis when analyzing alleged improper third-party contact with a juror).

We clarify today that when faced with a third party's improper contact with a juror, our courts should follow the Fourth Circuit's three-step analysis as set forth in *Cheek*, and (1) require the defendant to meet the initial burden by presenting evidence that contacts were "more than innocuous interventions;" (2) if this minimal standard is satisfied, recognize the *Remmer* presumption is triggered automatically; and (3) shift the burden to the prevailing party to prove that there exists no reasonable possibility that the jury's verdict was influenced by an improper communication. *Cheek*, 94 F.3d at 141 (quoting *Haley*, 802 F.2d at 1537 n.9).

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Under this framework, we turn to the facts at hand. First, we must determine which comments Hill made to the jurors. The post-trial court referenced only a few of the comments the jurors testified she made, e.g., "this is an important day" or "this is an epic day" and to watch Murdaugh's body language. The State argues the post-trial court implicitly rejected the other alleged comments as not being credible. We find this argument is without merit.

The post-trial court gave no indication it found the other comments not credible, nor would the record support such a finding. Indeed, the post-trial court found Hill's denial of making any inappropriate comments lacked credibility.¹⁰ The post-trial court made no distinction regarding the comments it referenced in its order and the remaining comments that are in the record. The post-trial court, in fact, found credible Juror Z's affidavit statement concerning pressure from other jurors. This same affidavit included Juror Z's recollection of Hill's comments "not to be fooled" by the evidence presented by Murdaugh's attorneys and Hill's instructions to "watch [Murdaugh] closely," "look at his actions," and "look at his movements." The State offers no rationale for finding part of the affidavit credible while rejecting the portions that are damaging to the State's case. Juror Z's recollection of Hill's comments was consistent with Juror 785's affidavit testimony that Hill told the jurors not to be fooled by the evidence Murdaugh's defense presented. Juror Z's recollection is also consistent with the alternate juror's testimony concerning Hill's comments, "They're going to say things that will try to confuse you. Don't let them confuse you or convince you or throw you off."¹¹ These comments were also strikingly similar to the comments Hill made to McElveen, other staff members, and the media when away from the jury.

Furthermore, Hill's attempt to insert herself into the jury's deliberations through these comments was in line with her stated desire for a guilty verdict to sell more copies of the book she planned to write; her meddling in events around Juror 785's dismissal; and her self-aggrandizing conduct throughout and after the trial, from granting favors to media members such as allowing them to view sealed exhibits and sitting a writer with court staff in the courtroom to granting interviews. As the post-trial court found, "Hill was attracted by the siren call of celebrity" and "allowed her

¹⁰ Hill's lack of credibility during the hearing on Murdaugh's motion for new trial is further evidenced by her recent guilty plea to perjury stemming from the hearing for her denial of allowing members of the press to view the sealed exhibits.

¹¹ The post-trial court did not make a finding on the alternate juror's credibility.

desire for the public attention of the moment to overcome her duty to her oath of office."

We have no reason to find Hill did not make all of the statements the jurors reported. Therefore, we hold Murdaugh established Hill made comments that the day Murdaugh testified was "epic" or "important" and urged the jurors not to be "fooled," "confused," "thrown off," or "convinced" by Murdaugh and to watch Murdaugh's body language closely.

Next, we must decide whether these comments were "more than innocuous interventions," *Cheek*, 94 F.3d at 141 (quoting *Haley*, 802 F.2d at 1537 n.9), and "of such a character as to reasonably draw into question the integrity of the verdict," *Barnes*, 751 F.3d at 244 (quoting *Stockton*, 852 F.2d at 743). Hill's statements were more comparable to those of the bailiff in *Parker* than those of the bailiff in *Green*. Like the bailiff's statements in *Parker*, Hill's comments attacked the defendant's character and credibility, which certainly were matters before the jury. See *Parker*, 385 U.S. at 363 (reporting a bailiff told jurors "Oh that wicked fellow (petitioner), he is guilty"); *State v. Reyes*, 432 S.C. 394, 401, 853 S.E.2d 334, 338 (2020) (stating "the credibility of a witness is exclusively for the jury to decide"). Hill became a character witness on behalf of the State, encouraging the jurors to question Murdaugh's credibility. *Ethier v. Fairfield Mem'l Hosp.*, 429 S.C. 649, 657, 842 S.E.2d 355, 360 (2020) (holding a plaintiff in a medical malpractice case was prejudiced when a juror who worked with the defendant doctor vouched that he was a good, reliable doctor and explaining the doctor "received the benefit of having a character witness on the jury who could attest to his skill without being subjected to cross-examination"). In fact, by urging the jurors not to be fooled or convinced by Murdaugh's defense, Hill essentially implored the jurors to find him guilty, the ultimate issue in the case. Even Hill's seemingly innocuous comments that the day Murdaugh testified was an "epic" or "important" day became nefarious when considered with her other comments, insinuating that there was something unusual and suspicious about his decision to testify. In contrast, the bailiff's statements in *Green* "though improper—did not touch the merits, but dealt only with the procedural question of how the judge might handle a jury impasse that apparently never materialized." *Green II*, 432 S.C. at 100, 851 S.E.2d at 441. Therefore, we hold Murdaugh met the "minimal standard" of showing that "the extrajudicial communications or contacts were 'more than innocuous interventions,'" *Cheek*, 94 F.3d at 141 (quoting *Haley*, 802 F.2d at 1537 n.9), and the post-trial court erred as a matter of law in refusing to impose the *Remmer* presumption.

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Our following consideration is whether the State met its heavy burden of proving "there is no reasonable possibility that the verdict was affected" by Hill's comments. *Cheek*, 94 F.3d at 142. As stated above, the post-trial court analyzed the evidence before it by erroneously imposing the burden of proof of prejudice on Murdaugh. Furthermore, as Murdaugh argues, the post-trial court erred in considering testimony from the jurors about whether Hill's comments affected their verdict because this testimony violated Rule 606(b) of the South Carolina Rules of Evidence (SCRE).

Rule 606(b), SCRE, limits the testimony a juror may give on the issue of prejudice. This rule provides,

Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith, except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror. Nor may a juror's affidavit or evidence of any statement by the juror concerning a matter about which the juror would be precluded from testifying be received for these purposes.

In interpreting court rules, this Court applies "the same rules of construction used to interpret statutes." *Ex parte Wilson*, 367 S.C. 7, 15, 625 S.E.2d 205, 209 (2005). Thus, "[i]f a rule's language is plain, unambiguous, and conveys a clear meaning, interpretation is unnecessary and the stated meaning should be enforced." *Id.* We must "consider not only the particular clause in which a word may be used, but the word and its meaning in conjunction with the purpose of the whole rule and the policy of the rule." *Id.* In addition, when a South Carolina rule is substantially the same as its federal counterpart, we may consider federal cases in interpreting the rule. *See, e.g., Zurich Am. Ins. Co. of Ill. v. Palmetto Cont. Servs., Inc.*, 434 S.C. 104, 110, 862 S.E.2d 714, 717 (Ct. App. 2021) (considering federal cases when interpreting a state rule of civil procedure); *Renaissance Enters., Inc. v. Ocean Resorts, Inc.*, 334 S.C. 324, 327, 513 S.E.2d 617, 619 (1999) (same).

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The United States Supreme Court explained Federal Rule of Evidence 606(b)—our Rule 606(b)'s federal counterpart—"is grounded in the common-law rule against admission of jury testimony to impeach a verdict and the exception for juror testimony relating to extraneous influences." *Tanner v. United States*, 483 U.S. 107, 121 (1987). In *Tanner*, the Supreme Court examined the legislative history of Federal Rule of Evidence 606(b), setting forth the rationale for the rule:

Public policy requires a finality to litigation. And common fairness requires that absolute privacy be preserved for jurors to engage in the full and free debate necessary to the attainment of just verdicts. Jurors will not be able to function effectively if their deliberations are to be scrutinized in post-trial litigation. In the interest of protecting the jury system and the citizens who make it work, [R]ule 606 should not permit any inquiry into the internal deliberations of the jurors.

Id. at 124-25 (quoting S. Rep. No. 93-1277 at 13-14 (1974), reprinted in 1974 U.S.C.C.A.N. 7051, 7060).

The Supreme Court noted its "holdings requiring an evidentiary hearing where extrinsic influence or relationships have tainted the deliberations do not detract from, but rather harmonize with, the weighty government interest in insulating the jury's deliberative process." *Tanner*, 483 U.S. at 120. Thus, while a "'probing factual inquiry' [is] not only permissible but necessary" when a third party makes extrajudicial contact with a juror, the rule "prohibits all inquiry into a juror's mental process in connection with the verdict." *Cheek*, 94 F.3d at 143 (quoting *Haley*, 802 F.2d at 1535 n.1); see 27 *Wright & Miller's Federal Practice & Procedure* § 6075 (2d. ed. 2007) ("Most courts preclude jurors from testifying as to the effect on their verdict of extraneous information or outside influence.").

The Fourth Circuit noted that "[b]y asking [a juror] whether he had listened to and considered all the evidence, the government was delving into [the juror's] mental processes about the sufficiency of the evidence in reaching his personal verdict. Such an inquiry exceeded the strict limits imposed by Rule 606(b)." *Cheek*, 94 F.3d at 143. It further held that the district court erred "[b]y relying on [the juror's] mental processes in connection with the verdict when formulating its findings of fact." *Id.*; *Bibbins v. Dalsheim*, 21 F.3d 13, 17 (2d Cir. 1994) (holding a juror's affidavit was "inadmissible to the extent that it recounts how [another juror's] disclosure affected the thinking and voting of individual jurors or the deliberations of the jury as a

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whole, including the tally of votes"); *United States v. Blumeyer*, 62 F.3d 1013, 1014 n.1 (8th Cir. 1995) ("To the extent that the District Court used testimony barred by Rule 606(b) to make its findings of fact, the court abused its discretion.").

We find that the plain language of Rule 606(b), SCRE, authorizes jurors to testify about improper extraneous comments by a third party but not on the comments' effects on the jurors' deliberative process. While, as the Fourth Circuit recognized, "Rule 606(b) at times makes it more difficult to determine whether a new trial is warranted[,] . . . sound policy supports the rule and outweighs any inconvenience or difficulty the rule imposes." *Cheek*, 94 F.3d at 144 (citation omitted). The State must meet its burden of rebutting the *Remmer* presumption without exceeding the limits of the Rule.¹² See, e.g., *United States v. Elbaz*, 52 F.4th 593, 607-08 (4th Cir. 2022) (holding the government rebutted the presumption of prejudice because the only juror who was exposed to the extrajudicial information was removed from the jury and the jury began deliberations anew with the alternate juror). We, therefore, hold that the post-trial court erred in questioning the jurors about whether Hill's comments influenced their verdicts and in relying on the jurors' answers in its prejudice analysis.

The State contends Murdaugh cannot complain about the post-trial court questioning Juror Z regarding her affidavit because Murdaugh submitted the affidavit to the post-trial court with his motion for a new trial. See *State v. Stanko*, 402 S.C. 252, 270, 741 S.E.2d 708, 717 (2013) ("Appellant cannot now complain of an error which his own conduct induced."), *overruled on other grounds by State v. Burdette*, 427 S.C. 490, 832 S.E.2d 575 (2019). We disagree. The purpose of Rule 606(b) is to preserve the sanctity of the jury room, "protecting the jury system and the citizens who make it work." *Tanner*, 483 U.S. at 125 (citation omitted); *State ex rel. Rosenthal v. Poe*, 98 S.W.3d 194, 209 n.7 (Tex. Crim. App. 2003) (Cochran, J., concurring) ("[W]e do not allow the parties or the public to impeach that verdict with evidence of what occurred between the jurors in the sanctity of that jury deliberation room."). This right was not Murdaugh's to waive. Thus, the portion of Juror Z's affidavit in which she disclosed her mental process in reaching her verdict was inadmissible. The post-

¹² We recognize that in *Ethier*, this Court held the affidavits and testimony from jurors describing whether another juror's premature deliberations affected their votes were admissible because premature deliberations may affect the fundamental fairness of the trial. *Id.* at 655, 842 S.E.2d at 358. We hereby overrule *Ethier* to the extent this case condoned the use of testimony about the jury's mental processes in reaching their verdict.

trial court erred in questioning her about that portion of the affidavit, and the post-trial court should not have considered that portion in ruling on the new trial motion.

We also hold the post-trial court erred in finding a lack of prejudice because Hill's comments were "limited in subject and not overt as to opinion, were only heard by, at most, three jurors, and were made in a case with overwhelming and compelling evidence." We reiterate the burden is on the State to rebut the presumption of prejudice. First, the post-trial court erred in finding Hill's comments were "limited in subject and not overt as to opinion." Hill clearly advised the jurors to find Murdaugh and the evidence he presented not credible and, essentially, urged them to render a guilty verdict. Hill's position as the Colleton County Clerk of Court, an officer of the court who managed the trial and was the primary caretaker of the jury, amplified the impact Hill's comments had on the jury. *See Parker*, 385 U.S. at 365 (noting "the official character of the bailiff—as an officer of the court as well as the State—beyond question carries great weight with a jury"); *McCormick Cnty. Council v. Butler*, 361 S.C. 92, 93, 603 S.E.2d 586, 586 (2004) ("The office of clerk of court is an elected one, created by Article V, § 24 of the South Carolina Constitution."). Hill was elected by the very people who make up the Colleton County jury pool.

Next, the limited number of jurors who acknowledged hearing Hill's improper comments did not reduce their prejudicial effect. As the Supreme Court explained, a criminal defendant is "entitled to be tried by 12, not 9 or even 10, impartial and unprejudiced jurors." *Parker*, 385 U.S. at 366. In addition, in the context of a jury tainted by external influences, the strength of the State's case does not necessarily warrant a finding that the State met its burden of proving a lack of prejudice. The State certainly produced considerable evidence here, and arguably, reasonable minds may debate whether the evidence here was overwhelming. In the situation before us, notwithstanding "the strength" of the prosecution's case, the State is unable to overcome the presumption of prejudice. The State's case rested largely on circumstantial evidence, and Murdaugh's credibility was a key component of his defense. Hill's repeated comments challenging Murdaugh's credibility directly undermined that defense. Hill's egregious, improper jury interference went to the heart of the case and unquestionably was intended to push the jury to a guilty verdict. *See Barnes v. Thomas*, 938 F.3d 526, 536 (2019) ("[W]e are not convinced that the strength of the State's case against Barnes precludes us from holding that Barnes has shown actual prejudice. The focus of the harmless error inquiry is 'not on the sufficiency of the evidence absent the error, but rather on the impact of the error on the jury's verdict.'" (quoting *Sherman v. Smith*, 89 F.3d 1134, 1155 (4th Cir. 1996) (Motz, J., concurring in part and dissenting in part))). The breathtaking and

disgraceful effort of Hill to undermine the jury process is unprecedented in South Carolina.

Finally, we hold the State has not met its burden of proving the trial court's instructions to the jury cured any prejudice arising from Hill's comments. Generally, "[a]n instruction to disregard incompetent evidence is . . . deemed to have cured the error." *State v. Grovenstein*, 335 S.C. 347, 353, 517 S.E.2d 216, 219 (1999). "Moreover, jurors are presumed to follow the law as instructed to them." *Id.* at 353-54, 517 S.E.2d at 219 (holding that any prejudice caused by the alternate juror's presence in the jury room as deliberations began was cured by the trial court's instructions to disregard anything the alternate juror said and its thorough inquiry of the jurors to confirm they could put the alternate juror's words aside). Here, the trial court gave the standard instructions and admonishments to the jury, none of which provided guidance on what to do when the Colleton County Clerk of Court, an officer of the court, made comments disparaging Murdaugh's credibility and urging the jury to reject his defense. The trial court never had the opportunity to even attempt to cure the prejudicial effect of Hill's comments because they did not come to light until months after the trial. If we were to accept the proposition that standard charges could cure such prejudice, then no defendant would be entitled to relief when improper extrajudicial information reaches the jury's ears, regardless of its content or context. Our federal and state constitutions simply cannot countenance such an assault on the right to a fair and impartial jury.

In summation, Murdaugh met his initial burden of establishing Hill's comments to the jury were more than innocuous interventions, triggering the *Remmer* presumption of prejudice and shifting the burden to the State. The State simply was unable to meet this heavy burden of proving that there exists no reasonable possibility that the jury's verdict was influenced by these highly improper comments. *See Cheek*, 94 F.3d at 142 ("To implement the heavy obligation of the party who seeks to rebut the presumption of prejudice, we have prescribed that the proof must establish that there is no reasonable possibility that the verdict was affected by the contact."). Accordingly, we hold Murdaugh's right to a fair trial by an impartial jury was violated, and the post-trial court erred in denying his motion for a new trial.

B. Evidence of Murdaugh's Financial Crimes

Because we order a new trial on the basis of Hill's improper influence on the jury on appeal from the order denying Murdaugh's motion for a new trial, it is not necessary that we address the evidentiary issues Murdaugh raises on appeal from his

convictions and sentences. We elect, however, to offer the trial court on remand the following guidance regarding the admissibility of evidence of Murdaugh's financial crimes.¹³

At the time of the trial, Murdaugh had been accused of and indicted for numerous financial crimes. During his testimony before the jury, Murdaugh admitted he committed the financial crimes, although he had not at that time been convicted of anything. After trial, he pled guilty to the financial crimes in both state and federal court. He was sentenced to a concurrent twenty-seven years in state prison and forty years in federal prison.

The State sought to admit evidence of these financial crimes during Murdaugh's murder trial for the purpose of showing his motive for committing the murders. The State filed a pretrial motion in which it argued the evidence demonstrated "Murdaugh accrued substantial debts over a period of years, and to cover those debts, began engaging in illicit financial crimes involving the theft and misappropriation of money from his clients and his own firm." The State emphasized that several series of events unfolding in the weeks and days leading up the murders threatened to expose Murdaugh's financial crimes. The State wrote in its motion, "All of these factors start to converge on June 7, 2021"—the date of the murders. The State explained its motive theory: "the murders served as Murdaugh's means to shift the focus away from himself and buy himself some additional time to try and prevent his financial crimes from being uncovered." The State also stressed Murdaugh's attempts to cover his financial misdeeds after the murders to support its theory of motive.

Murdaugh filed a memorandum arguing the financial crimes evidence should be excluded under Rules 402, 403, and 404(b), SCRE. The trial court conducted a

¹³ In addition to Murdaugh's challenge to the trial court's decision to admit evidence of his financial crimes, Murdaugh appealed the trial court's decision to: (1) allow the State to question a witness on redirect examination about the witness's knowledge of Murdaugh's financial situation; (2) admit evidence of firearm and tool mark analysis expert testimony; (3) admit evidence of four firearms seized from Moselle; (4) admit evidence of a blue raincoat collected from the home of Murdaugh's mother and gunshot residue expert testimony related to that raincoat; (5) allow the State to question Murdaugh on cross examination as to the reasons he did not reveal until trial his presence at the kennels on the night of the murders; and (6) admit evidence of an iPhone demonstration during the State's rebuttal case.

lengthy pretrial hearing but declined to rule on the admissibility of the financial crimes evidence at that time.

During various breaks in the course of the trial, the State presented the testimony of eight witnesses regarding Murdaugh's financial crimes outside the presence of the jury. After hearing this testimony and the arguments of both sides, the trial court found "all evidence of financial crimes that may likely have led to a motive, or lend itself to motive for the crime committed" was admissible. The trial court stated the jury was "entitled to consider whether the apparent desperation of Mr. Murdaugh, because of his dire financial situation, threat of being exposed [for] committing the crimes for which he was later charged with, resulted in the commission of the alleged crimes." The trial court also found:

This evidence of other crimes is admissible and it's non-propensity, as it does not suggest to the jury that the defendant has a tendency to commit murder. I specifically find that these other crimes will not lure the jury into declaring guilt on a different ground than the specific charge.

The trial court found the evidence had sufficient probative value that was not substantially outweighed by any danger of unfair prejudice. The trial court issued a written order setting forth its ruling.

The State then presented testimony to the jury from the eight witnesses who testified earlier, along with two additional witnesses.¹⁴ Through these witnesses, the State

¹⁴ The eight witnesses who testified outside the jury's presence were Jeannie Seckinger, the chief financial officer of Murdaugh's law firm; Michael Gunn, a principal in Forge Consulting LLC; attorney Chris Wilson, Murdaugh's friend and his co-counsel in several cases; Jan Malinowski, who succeeded Russell Laffitte—Murdaugh's co-defendant and co-conspirator in the financial crimes—as president of Palmetto State Bank; Micheal "Tony" Satterfield, the son of Murdaugh's former housekeeper Gloria Satterfield; Carson Burney, a forensic accountant in the attorney general's office; attorney Mark Tinsley, Murdaugh's former friend and opposing counsel in a civil lawsuit involving a 2019 boat wreck in which Murdaugh was personally named as a defendant; and attorney Ronnie Crosby, Murdaugh's former law partner. The additional witnesses were Annette Griswold, Murdaugh's former paralegal; and Natasha Moodie, a consumer resolution associate at Bank of America.

proved Murdaugh committed wide-ranging financial crimes over numerous years in several general categories, including the following: (1) Murdaugh stole money from his clients by billing personal expenses to them under the guise of those expenses being costs associated with their cases; (2) Murdaugh stole money from his law firm by instructing law firm employees to make checks payable to "Palmetto State Bank," whose then-chief executive officer Russell Laffitte enabled Murdaugh to convert the funds for his personal use; (3) Murdaugh stole money from his clients and his law firm by instructing law firm employees to make checks payable to "Forge"—a fake account Murdaugh created to imitate the legitimate Forge Consulting LLC firm—that Murdaugh then deposited and used for personal expenses; and (4) Murdaugh stole money from Tony Satterfield by filing an insurance claim in relation to his mother Gloria Satterfield's death and collecting the insurance proceeds for personal use instead of providing the proceeds to Tony and Gloria's other son.

The State also presented evidence to the jury that Murdaugh's years of stealing money in these ways was about to be exposed. For example, law firm employees testified they asked Murdaugh on at least two occasions in the weeks leading up to the murders about discrepancies in his financial disbursement documents in individual cases. Jeannie Seckinger—the firm's chief financial officer—testified she confronted Murdaugh on the morning of the murders, stating, "I have reason to believe that you received [attorneys' fees in a certain case] directly to you, and you need to prove to me that you did not." Other evidence indicated Seckinger was referring to \$792,000 in missing attorneys' fees the firm was supposed to receive from Murdaugh's co-counsel Chris Wilson. The State also presented evidence that Mark Tinsley—the attorney representing the family of the young woman who died in the boat wreck—had scheduled a motion hearing for three days after the murders in which Tinsley sought to compel Murdaugh to disclose his detailed financial records.

Murdaugh challenges the admissibility of evidence of his financial crimes under Rules 401 and 402, Rule 403, and Rule 404(b). See Rule 401, SCRE ("Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."); Rule 402, SCRE ("All relevant evidence is admissible, except as otherwise provided . . ."); Rule 403, SCRE ("Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice . . ."); Rule 404(b), SCRE ("Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible to show motive . . .").

As to Murdaugh's relevance objection, the State argues that because Murdaugh was charged with murdering his wife and son—"seemingly inexplicable conduct when standing alone"—it was important that it offer evidence to explain why he did it. The State also argues "Murdaugh himself placed the issue of motive front and center through his own actions" by suggesting to officers who arrived at Moselle on June 7 that "the killer's motive stemmed from" the boat wreck.

We agree with the State that evidence of Murdaugh's financial crimes made the State's theory of motive more probable. *See State v. White*, 437 S.C. 490, 495, 879 S.E.2d 21, 24 (Ct. App. 2022) ("The test for relevancy is not stringent, and its standard is not difficult to vault Indeed, evidence that carries the probative weight of a feather tips a balanced scale and assists the jury in arriving at the truth of an issue." (citing *State v. Sweat*, 362 S.C. 117, 126-27, 606 S.E.2d 508, 513 (Ct. App. 2004))). Thus, we find the trial court acted within its discretion in finding the financial crimes evidence was relevant under Rule 401 and admissible under Rule 402.

The more difficult question is whether the trial court should have excluded all or some of the financial crimes evidence pursuant to Rule 404(b) or Rule 403. We address this question as two distinct categories of issues. The first of these categories—whether the trial court should have excluded *all* the financial crimes evidence—is a point on which not all members of the Court would have ruled the same way had we been the trial court. We each agree, however, this was a decision within the discretion of the trial court under the facts and circumstances that existed in Murdaugh's murder trial. *See State v. Heyward*, 441 S.C. 484, 504, 895 S.E.2d 658, 668-69 (2023) (discussing a trial court's proper exercise of discretion). As to the second category we will address—whether the trial court should have restricted the extent to which the State was allowed to present this evidence; that is, whether the trial court should have excluded *some* of the evidence—we unanimously hold the trial court allowed the State to go far too long and far too deep into aspects of Murdaugh's financial crimes that were not probative of the State's theory of motive, which gave rise to considerable danger of unfair prejudice, and therefore should have been excluded.

As to whether the trial court should have excluded all evidence of Murdaugh's financial crimes under Rules 403 or 404(b), we have discussed the principles applicable when a trial court is asked to exclude evidence of other crimes in numerous cases, and no further elaboration of those principles is necessary here. *See, e.g., State v. Galloway*, 443 S.C. 229, 243, 904 S.E.2d 866, 874 (2024)

FOIA AROUND AND FIND OUT SPONSOR

("[E]vidence of 'other crimes, wrongs, or acts' may not be admitted for the purpose of 'prov[ing] the character of a person in order to show action in conformity therewith.'" (quoting Rule 404(b)); *State v. Perry*, 430 S.C. 24, 29, 842 S.E.2d 654, 657 (2020) ("The rule is often stated in terms of 'propensity.'"); *State v. Benton*, 338 S.C. 151, 156, 526 S.E.2d 228, 230 (2000) ("Propensity evidence is admissible if offered for some purpose other than to show the accused is a bad person or he acted in conformity with his prior convictions."); *Perry*, 430 S.C. at 44, 842 S.E.2d at 665 ("The State must show a logical connection between the other crime and the crime charged such that the evidence of other crimes 'reasonably tends to prove a material fact in issue.'" (quoting *State v. Lyle*, 125 S.C. 406, 417, 118 S.E. 803, 807 (1923))); *State v. Clasby*, 385 S.C. 148, 155-56, 682 S.E.2d 892, 896 (2009) ("Even if prior bad act evidence . . . falls within an exception, it must be excluded if its probative value is substantially outweighed by the danger of unfair prejudice to the defendant." (quoting *State v. Gaines*, 380 S.C. 23, 29, 667 S.E.2d 728, 731 (2008)) (citing Rule 403, SCRE)).

As to Rule 404(b), the difficulty lies in the application of these principles to the facts and circumstances of any individual case. *Lyle*, 125 S.C. at 417, 118 S.E. at 807. Here, the trial court correctly understood the applicable principles of law and thoughtfully applied those principles to the facts and circumstances before it. The trial court explained its view of the logical connection between the financial crimes and Murdaugh's motive. The State's argument that it presented a valid theory of motive and Murdaugh's response that the "fabricated motive theory" is "illogical, implausible" and not supported by the evidence was not a dispute for the trial court to resolve by making this evidentiary ruling; that was for the jury. The trial court's job was to determine—in its discretion—whether the State's theory of motive was reasonably plausible, and if so, whether the evidence the State presented could reasonably support the theory. We agree with the State that—under the facts and circumstances in existence in Murdaugh's first trial—the trial court acted within its discretion in deciding not to exclude the evidence under Rule 404(b).

As to Rule 403, the trial court balanced the probative value of the evidence against its potential for unfair prejudice and concluded the probative value was not substantially outweighed by any unfair prejudice. The trial court specifically found Murdaugh's commission of the financial crimes "does not suggest to the jury that the defendant has a tendency to commit murder." As we will discuss below, we find considerable unfair prejudice in allowing the State to go as far and deep into detail as it did. However, we hold the trial court acted within its discretion in admitting some evidence of Murdaugh's financial crimes. See *Morris v. BB&T Corp.*, 438 S.C. 582, 587, 885 S.E.2d 394, 397 (2023) ("[W]hen a trial court's . . . thought process of

applying sound principles of law to the court's view of the facts and circumstances is evident in the record of proceedings in a hearing . . . , the appellate court will defer to the trial court's exercise of discretion, even when the judges on the appellate court might have made the decision differently.").

We emphasize, however, the trial court should have limited the State's presentation of this evidence. We illustrate this point with an example from the direct examination of Tony Satterfield:

State: Why were you the personal representative
and not your brother?
Satterfield: Because my brother is a vulnerable adult and
he has a disability.
Court: Can you repeat those words for me?
Satterfield: That my brother, he's a vulnerable adult and
he's not able to function as a normal human
being to deal with stuff like that.
State: He's a vulnerable adult?
Satterfield: Yes.

This particular testimony had zero probative value as to Murdaugh's motive for the murders, and obviously high potential for unfair prejudice as it portrays Murdaugh as a man who preys on vulnerable victims. See Rule 403, SCRE ("Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice"). Much of the additional details the State presented as to Murdaugh's financial crimes had little or no probative value for the purpose of establishing Murdaugh's motive. The State's theory of motive centers on the point that his financial crimes were about to be exposed and he needed time. The fact he committed some of those crimes against a vulnerable adult adds nothing to the theory. To the extent many similar details may have had minimal probative value, that value is substantially outweighed by the unfairly prejudicial sympathy the jury was likely to feel toward this victim. By our calculation, the State spent a total of 12.5 hours of actual testimony before the jury over ten days of trial to introduce evidence related to Murdaugh's financial crimes. We are convinced the State could have effectively presented evidence to support its motive theory in a fraction of that time.

By holding the trial court in this case acted within its discretion in admitting *some* evidence of Murdaugh's financial crimes, we certainly do not intend to require the evidence be admitted on retrial. As is often the case, the facts and circumstances on

FOIA AROUND AND FIND OUT SPONSOR

retrial may be materially different from those presented in the initial trial. Thus, the trial court on remand must do as the trial court did here—carefully and thoughtfully apply correct principles of law to the facts and circumstances before it. We do intend to require, however, that if the trial court decides to admit evidence of Murdaugh's financial crimes on retrial, the State must complete its introduction of that evidence efficiently without the lengthy presentation of inflammatory details with little to no probative value that was permitted in the first trial.

III. CONCLUSION

As the Fourth Circuit declared, the *Remmer* presumption is "[a]live and well." *Lawson*, 677 F.3d at 642. It serves to protect the right to a fair trial by an impartial jury for *all* defendants. Here, Hill, the Colleton County Clerk of Court, egregiously attacked Murdaugh's credibility and his defense, thus triggering the presumption of prejudice, which the State was unable to rebut. As noted at the outset, Hill's shocking jury interference was accomplished outside the presence and knowledge of the outstanding trial judge and superbly competent and professional counsel for the State and the defense. We are accordingly constrained to reverse the post-trial court's denial of Murdaugh's motion and remand for a new trial consistent with this opinion.¹⁵

REVERSED AND REMANDED.

KITTREDGE, C.J., FEW, JAMES, HILL, and VERDIN, JJ., concur.

MAY 29 2026 AM 11:54
COLLETON CO GS, GARY HALE

¹⁵ We commend the post-trial court, which inherited Murdaugh's motion for a new trial and was placed in the unenviable position of evaluating unprecedented jury interference by a clerk of court within the context of a murky area of law.

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

Myra Crosby,

Petitioner / Intervenor,

IN RE:

State of South Carolina,

Plaintiff,

v.

Richard Alexander Murdaugh,

Defendant.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictment Nos.: 2022-GS-15-00592-595

**MOTION TO INTERVENE
FOR LIMITED PURPOSE AND PETITION
FOR REVIEW OF PROTECTIVE ORDER**

Petitioner Myra Crosby, by and through her undersigned counsel, Joseph McCullouch, respectfully moves to intervene for the limited purpose of requesting that this Court review its earlier protective orders, including the protective order dated January 24, 2024, and unseal pertinent portions of that order and any prior protective orders, including the August 31, 2022 order, to the extent of jury tampering investigative materials and the purposes of the relief sought in this petition. This motion is made pursuant to *Davis v. Jennings*, 304 S.C. 502, 405 S.E.2d 601 (1991), and the First Amendments to the South Carolina Constitution and the United States Constitution.

Petitioner, through counsel, submitted three separate requests under the South Carolina Freedom of Information Act to the South Carolina Law Enforcement Division ("SLED"), the South Carolina Attorney General's Office, and Rick Hubbard, Solicitor for the 11th Judicial Circuit, seeking the entirety of the jury-tampering investigation conducted in

connection with *State v. Alexander Murdaugh*, including the involvement of the Colleton County Clerk of Court and any other persons. The Petitioner's FOIA requests, attached as **Exhibit A**, include a partial transcript from the former Clerk of Court's sentencing hearing for perjury and/or other offenses.

During the plea colloquy, the sentencing judge inquired of Solicitor Hubbard regarding the status of the jury-tampering investigation. As reflected in the transcript, Solicitor Hubbard stated that the investigation had concluded and that insufficient evidence had been found to seek an indictment against the Clerk of Court for tampering, and that the investigation had ended or been closed. Based on that declaration, the requested records were no longer exempt from disclosure under S.C. Code Ann. § 30-4-40(a)(3), as applicable to pending investigations.

Thereafter, Petitioner through counsel requested those materials through the Freedom of Information Act. However, two months later SLED responded that it was bound by this Court's January 24, 2024 protective order and therefore unable to produce its investigative files. Petitioner reasonably anticipates that the Attorney General's Office and the 11th Circuit Solicitor's Office will rely upon the same protective order for the same reason in declining production.

Petitioner therefore refers the Court to the January 24, 2024 protective order, in which the Court recognized that it "generally favor(s) public access and transparency," but found the protective order warranted at that time (in 2024) necessary "to protect the ongoing investigations related to the post-trial motion made in that matter" seeking a new trial by reason of jury tampering. A copy of that order is attached as **Exhibit B**. As is now known,

that post-trial process ended with a finding of insufficient evidence of jury tampering, with the Court's ruling based upon the investigative material sought here and the testimony and evidence presented during the very public proceedings.

Petitioner now seeks the release of the investigative materials concerning jury tampering since fully concluded, as demonstrated by the public actions and statements of the Attorney General's Office and the 11th Circuit Solicitor's Office. The underlying purposes supporting issuance of the protective order no longer exist. Accordingly, continued "protection" and the sealing of the relevant materials is no longer justified to preserve the integrity of "ongoing investigative efforts."

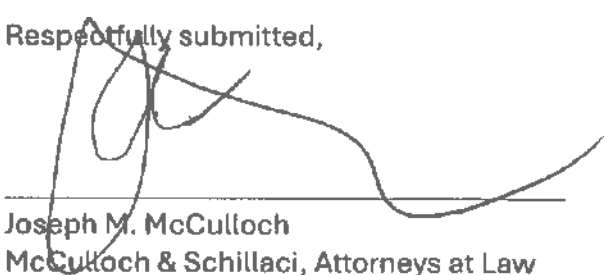
The State's declaration at the time of Hill's sentencing that the evidence was insufficient to support a jury-tampering indictment against the Clerk of Court, stands in dramatic contrast and appears incongruent the Supreme Court's detailed opinion reaching an opposite conclusion based on the same core body of evidence. The public interest and the ends of justice are best served by transparency. For that reason, Petitioner requests that this Court lift or modify the protective order and return the matter to the agencies involved so that they may comply with their obligations under the Freedom of Information Act.

WHEREFORE, Petitioner respectfully requests that this Court: (1) lift the protective order and permit Petitioner to receive the materials pursuant to the FOIA, including the January 24, 2024 protective order and any prior protective orders, including the August 31, 2022 order; (2) grant such other and further relief as the Court deems just and proper.

[signature block on following page]

RUTH RIVERA LAW: RUTH TO YOU,
RUTHLESS TO THE INSURANCE COMPANIES
SPECIAL THANKS TO RUTHRIVERALAW.COM

Respectfully submitted,



Joseph M. McCulloch
McCulloch & Schillaci, Attorneys at Law
1732 Hampton Street
P.O. Box 11623 (29211)
Columbia, South Carolina 29201
(803) 779-0005
joe@mccullochlaw.com

ATTORNEY FOR THE PETITIONER

Columbia, South Carolina
this 20 day of May, 2026.

COURTESY OF
LUNASHARK MEDIA

MAY 20 2026 PM 3:29
COLLETON CO GS, GARY HALE

COURTESY OF A
4
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Exhibit A

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COURTESY OF
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COURTESY OF A
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Joseph M. McCulloch
joe@mccullochlaw.com

Kathy R. Schillaci
kathy@mccullochlaw.com

March 5, 2026

Delivered Via Email

South Carolina Law Enforcement Division
Attn: Freedom of Information Office
P.O. Box 21398
Columbia, SC 29221
foi@sled.sc.gov

RE: FOIA Request

To Whom It May Concern:

Pursuant to the state of South Carolina Freedom of Information Act, please receive this correspondence as a request for the full investigation into allegations of jury tampering against Rebecca Hill in State v. Murdaugh. Press reports documented the completion of the investigation and closure of that investigation in 2025, as was documented by Solicitor Rick Hubbard.

I will be happy to receive this information by email, mail, or in person if notified once ready. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Joseph M. McCulloch

JMM/erg
Enclosure(s)

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COURTESY OF A
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1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF CALHOUN) GENERAL SESSIONS
4
5 THE STATE,)
6 Plaintiffs,)
7 Vs) CASE NO. 2025-GS-15-289
8 MARY REBECCA HILL,) 2025-GS-15-290
9 Defendant)

10
11 DECEMBER 8, 2025

12 ST. MATTHEWS, SOUTH CAROLINA
13

14 HONORABLE HEATH P. TAYLOR, JUDGE
15

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

17 BY: SAMUEL R. HUBBARD, III, ESQUIRE

18 Attorney for the Plaintiffs

19 BY: WILLIAM C. LEWIS, ESQUIRE

20 Attorney for the Defendant
21
22
23

24 KATHERINE A. SPIRES

25 REGISTERED PROFESSIONAL REPORTER

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1 The Court has a different standard,
2 obviously, and I know there is appellate issues in
3 *Murdaugh*, that's not my concern. My only and sole
4 concern was, what evidence do we have and then can
5 I prove it in a court of law beyond a reasonable
6 doubt? And the answer is, frankly, I don't know
7 that I have enough based on what we have to even
8 get an indictment. But I do know this based on my
9 35 years experience, and the collective experience
10 of the team we have, we cannot get a conviction
11 because we cannot prove that case beyond a
12 reasonable doubt.

13 Your Honor, those are the major issues
14 we looked at. As Mrs. Hill pleads today, she has
15 no record. And, again, other than the misconduct
16 charges being from common law to a statute, there
17 are no recommendations or negotiations as to the
18 sentence.

19 THE COURT: All right. Mrs. Hill, do
20 you substantially agree with the facts that the
21 Solicitor just told me?

22 MRS. HILL: Yes, Your Honor.

23 THE COURT: I find there is a
24 substantial factual basis for the decision to plead
25 guilty. I find that her decision to plead guilty

McCULLOCH & SCHILLACI
ATTORNEYS AT LAW

1732 HAMPTON STREET
P.O. Box 11623 (29211)
COLUMBIA, SC 29201
(803) 779-0005 • FAX (803) 779-0666

JOSEPH M. McCULLOCH, JR.
joe@mccullochlaw.com

KATHY R. SCHILLACI
kathy@mccullochlaw.com

May 11, 2026

Delivered Via Email

South Carolina Attorney General's Office

Attn: FOIA Office

P.O. Box 11549

Columbia, SC 29211

Email: foia@scag.gov

RE: FOIA Request
Pursuant to S.C. Code Ann. §30-4-10 et seq.

To Whom It May Concern:

Pursuant to the South Carolina Freedom of Information Act (S.C. Code Ann. §30-4-10 et seq.), I request access to and copies of the following information and public records:

- The entire investigation relating to jury tampering allegations in the State v. Alex Murdaugh murder trial, including but not limited to, allegations that the Clerk of Court and/or others allegedly tampered with the jury and trial process to affect the verdict.

Should estimated FOIA costs exceed \$50, please contact my office with the estimated cost prior to fulfilling this request. I will be happy to receive this information by email, mail, or in person if notified once ready. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Joseph M. McCulloch

JMM/erg

cc: Alan Wilson

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McCulloch & Schillaci
ATTORNEYS AT LAW

1732 HAMPTON STREET
P.O. Box 11623 (29211)
COLUMBIA, SC 29201
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JOSEPH M. McCULLOCH, JR.
joe@mccullochlaw.com

KATHY R. SCHILLACI
kathy@mccullochlaw.com

May 11, 2026

Delivered Via Email

Eleventh Circuit Solicitor's Office
Attn: Rick Hubbard
205 East Main Street, Suite 309
Lexington, South Carolina 29072
Email: rhubbard@lex-co.com

RE: FOIA Request
Pursuant to S.C. Code Ann. §30-4-10 et seq.

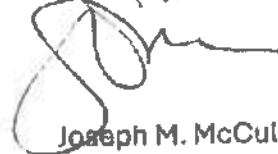
Dear Mr. Hubbard:

Pursuant to the South Carolina Freedom of Information Act (S.C. Code Ann. §30-4-10 et seq.), I request access to and copies of the following information and public records:

- The entire investigation relating to jury tampering allegations in the State v. Alex Murdaugh murder trial, including but not limited to, allegations that the Clerk of Court and/or others allegedly tampered with the jury and trial process to affect the verdict.

Should estimated FOIA costs exceed \$50, please contact my office with the estimated cost prior to fulfilling this request. I will be happy to receive this information by email, mail, or in person if notified once ready. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Joseph M. McCulloch

JMM/erg

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Exhibit B

COURTESY OF
LUNASHARK MEDIA

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STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)
STATE OF SOUTH CAROLINA)
v.)
RICHARD ALEXANDER)
MURDAUGH,)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT
Indictment Nos. 2022-GS-15-00592-595

PROTECTIVE ORDER

RECEIVED

Jan 04 2024

S.C. SUPREME COURT

The Court was assigned exclusive jurisdiction for the limited purpose of presiding over Defendant's motion for new trial in the above-listed indictments by the Chief Justice Donald W. Beatty of South Carolina, on December 18, 2023. Defendant Richard Alexander Murdaugh ("Defendant") was convicted of the murders of Margaret Kennedy Branstetter Murdaugh and Paul Terry Murdaugh on March 2, 2023, and sentenced on March 3, 2023. On October 27, 2023, the Defendant filed a motion for a new trial.

Before the Court is the issue of supplemental discovery related to the Defendant's motion for new trial. The Honorable Clifton Newman, the previous presiding judge, entered an Order Compelling Discovery, Temporary Protective Order and Order Conditionally Unsealing Search Warrants ("Protective Order") on August 31, 2022. This order expands on the Protective Order to broaden the protection of supplemental discovery related to the post-trial motion for new trial.

The Court finds that a confidentiality order is warranted to protect the ongoing investigations related to the post-trial motion made in this matter. Further, while the Court generally favors public access and transparency, the Court agrees a confidentiality order is needed given the high-profile nature and media presence in this case.

Therefore, while the Defendant is entitled to the supplemental discovery related to post-trial motions, the Court hereby orders the disclosure subject to the following conditions:

- #2
8/15/17
1. IT IS ORDERED the Attorney General is authorized to disclosure to the attorney(s) for the Defendant the supplemental discovery, which includes video recordings of juror interview and any other documents, and must be disclosed to his attorneys consistent with the Defendant's constitutional and statutory rights in preparation of all post-trial motions. The supplemental discovery is to be provided only for the purpose of the post-trial motion of the above-listed indictments, and any other use or disclosure by an attorney or the Defendant subject to this Order is strictly prohibited. The search warrants and related material for the above-listed indictments given by the State to the defense and not otherwise subject to any other confidentiality or protective order, are not to be shown by the Defense to anyone with the exception of the Defendant, his attorney(s), and necessary staff employed with the attorneys' office(s), witnesses, potential witnesses and their representatives for purpose of preparing for the evidentiary hearing on Defendant's post-trial motion. Copies of the discovery of any sort, whether physical, photographic, or digital, shall not be left with the witnesses, potential witnesses, or their representatives except as authorized below.
 2. IT IS ORDERED that any necessary staff of the attorney(s) who receive access to or disclosure of the supplemental discovery, or other investigatory materials from SLED, are prohibited from showing them to anyone other than the Defendant, the attorney, and other necessary staff employed within the attorney's office, and necessary staff of the attorney are similarly subject to the provisions of this Order. It is the responsibility of the attorney

to ensure any staff to whom disclosure is made is aware of and complies with the provisions of this Order.

- #3
[Signature]
3. IT IS ORDERED the Defendant and his attorney(s) are prohibited from photocopying, scanning, digitizing, etc. and disseminating copies of the supplemental discovery materials, as well as an investigatory material from SLED, except for internal use by the attorney(s) and necessary employees of the attorneys' office(s) or for submission to the Court during future hearings. Further, unless otherwise ordered by this Court, all material disclosed pursuant to this Order and all copies of such material must remain in the secured custody and control of Defense counsel, at all times, and, absent an order of the court, must be retained in a secure location by Defense counsel unless and until it is destroyed pursuant to any applicable rule regarding file retention.¹
4. IT IS ORDERED that if Defense counsel should intend to use or involve any expert, investigators, or other consultants in the defense to the post-trial motion, counsel may distribute copies of the necessary materials as needed for the purposes of that individual. However, counsel must first provide a copy of this Order to and obtain a signed, written agreement from such experts, investigators, or consultants that these individuals will not disclose or disseminate any of the discovery materials without explicit permission from this Court. All experts, investigators, and consultants to whom Defense counsel discloses discovery materials shall be bound by this Order to the same extent as Defense counsel. It

¹ For purposes of this Order, Defense counsel may secure physical copies of this protected material by keeping the material in his or her actual possession or by keeping the material in the attorney's law office in a place and manner to ensure that the material is only accessible by the attorney and necessary employees of the attorney's office. Digital copies of protected material are to be secured by placing passwords on all devices containing such material so that only the attorney and necessary employees of the attorney's office will have access to said material. The Defendant is also permitted to independently review copies of any discovery produced by the State, provided the Defendant returns the copies to defense counsel. No evidence or discovery shall be left at a jail, prison, or detention facility. The parties may arrange for a reasonable procedure such as a reading room and protected laptop to facilitate Defendant's review of the materials without compromising the security of the discovery.

is the responsibility of the attorney to ensure any expert, investigator, or other consultant to whom disclosure is made is aware of and will comply with the provisions of this Order.

5. IT IS ORDERED that individuals, whether they be attorneys, the Defendant, necessary staff of attorneys, or experts, investigators, or consultants used by attorneys, who receive disclosure of the supplemental discovery pursuant to this Order, are all bound by the secrecy provisions of this Order and subject to contempt of court for any willful violation of these secrecy provisions.
6. IT IS ORDERED the State similarly shall not disclose supplemental discovery, as well as any supplemental material provided in SLED investigations, except as is necessary to fairly investigate, prepare, and litigate the post-trial motion.
7. This Order shall not be interpreted to prohibit attorneys for the Defendant and for the State, and law enforcement personnel from communicating with witnesses and potential witnesses, and their representatives, in order to prepare for the post-trial motion. Nor shall this Order be construed as prohibiting the State from continuing to interview witnesses, obtain evidence, by subpoena, warrant, or any other means, or prepare and present grand jury testimony for investigative purposes relating to this case, or any other matter involving the Defendant or any other related investigation. This Order does not prohibit the State or the Defense from communicating with representatives of the witnesses or representatives of entities which may possess relevant evidence. This Order does not in any way prohibit the State, prosecutors, law enforcement, and their victim advocates from discussing all aspects of the case and consulting with victims and their representatives consistent with the spirit of the State's constitutional and statutory obligations pursuant to S.C. Const. Art. I § 24 and S.C. Code§ 16-3-1505 *et. seq.*

8. Nothing in this Order prevents any party from using or referring to any of the supplemental discovery that may be disclosed, or investigatory materials by SLED, for witness preparation, investigation, pleadings and as necessary to litigate any issues raised in the post-trial motion in the courtroom.
9. Nothing in this Order shall be construed as requiring the Defendant or the State to file materials under seal with the Court.

AND IT IS SO ORDERED.


Jean H. Toal
Presiding Judge

This 3d day of Jan., 2024
Columbia, South Carolina

#5

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

Myra Crosby,

Petitioner / Intervenor,

IN RE:

State of South Carolina,

Plaintiff,

v.

Richard Alexander Murdaugh,

Defendant.

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

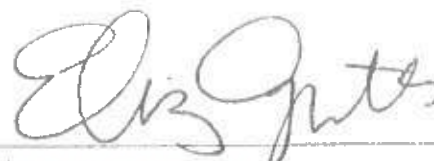
Indictment Nos.: 2022-GS-15-00592-595

CERTIFICATE OF SERVICE

I, Elizabeth Gunter, paralegal for McCulloch & Schillaci, Attorneys at Law, with offices located at 1732 Hampton Street, Columbia, South Carolina, hereby certify that on this 18th day of May, 2026, I have served a copy of the **Motion to Intervene for Limited Purpose and Petition for Review of Protective Order** in connection with the above-captioned matter, by email and U.S. first-class mail, postage pre-paid to the below named parties at their address of record:

S. Creighton Waters, Esq.
S.C. Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
cwaters@scag.gov

Richard A. Harpootlian, Esq.
Richard A. Harpootlian, P.A.
P.O. Box 1090
Columbia, SC 29202
rah@harpootlianlaw.com



Elizabeth Gunter, Paralegal

McCulloch & Schillaci

ATTORNEYS AT LAW

1732 HAMPTON STREET
P.O. Box 11623 (29211)
COLUMBIA, SC 29201
(803) 779-0005 • FAX (803) 779-0666

JOSEPH M. McCULLOCH, JR.
joe@mccullochlaw.com

KATHY R. SCHILLACI
kathy@mccullochlaw.com

May 18, 2026

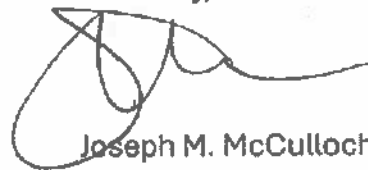
Colleton County Court of General Sessions
Attn: The Honorable Gary A. Hale, Jr., Clerk of Court
101 Hampton Street
Walterboro, South Carolina 29488
clerkofcourt@colletoncounty.org

Re: Filing of Motion to Intervene for the Limited Purpose of Seeking Review of
Protective Order and Motion for Partial Unsealing of Protective Orders
Indictment Nos.: 2022-GS-15-00592-595

Dear Clerk of Court:

Please accept the enclosed *Motion to Intervene for the Limited Purpose of Seeking Review of Protective Order and Motion for Partial Unsealing of Protective Orders* for filing in the Colleton County Court of General Sessions. Kindly file the enclosed document and return a file-stamped copy to the undersigned. Thank you for your attention to this matter.

Sincerely,



Joseph M. McCulloch, Jr.

JMM/erg

cc: Alan Wilson, Attorney General for South Carolina
Creighton Waters, Deputy Attorney General
Gary A. Hale, Jr., Clerk of Court of Colleton County
Rick Hubbard, Solicitor, Eleventh Judicial Circuit
Dick Harpootlian
Jim Griffin

COURTESY OF A
FOIA AROUND AND FIND OUT SPONSOR

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictment Nos. 2022-GS-15-00592, -593,
-594, and -595

**MOTION TO MODIFY THE COURT'S
PROTECTIVE ORDER DATED
JANUARY 3, 2024**

Defendant Richard Alexander Murdaugh, through undersigned counsel, hereby moves to modify the Court's protective order dated January 3, 2024 (the "Protective Order") (attached as **Exhibit A**). The underlying purpose of the Protective Order was "to protect the ongoing investigations related to the post-trial motion" Defendant filed seeking a new trial in this matter due to former Clerk of Court Rebecca Hill's jury tampering. However, since entry of the Protective Order, the State has represented in court that the criminal investigation into Ms. Hill's jury tampering is closed, Sentencing Hr'g Tr., *State v. Hill*, 2025-GS-15-289, -290 (Calhoun Cnty. Ct. Gen. Sess. Dec. 8, 2025) (attached as **Exhibit B**), resolving the objective of the Protective Order.

On May 13, 2022, the South Carolina Supreme Court reversed Defendant's convictions in this matter on the basis of Ms. Hill's jury tampering, *State v. Murdaugh*, No. 2023-000392, 2026 WL 1322305, at *16 (S.C. May 13, 2026). Defendant has now filed a federal civil rights action against Ms. Hill, alleging that her jury tampering violated his federal constitutional right to a fair trial before an impartial jury. *Murdaugh v. Hill*, 2:26-cv-1989-RMG (D.S.C. May 17, 2026).

Accordingly, Defendant moves the Court to modify the Protective Order to state that neither it nor any prior order in this matter shall be construed to prohibit the State, or any of its agencies or officers, from responding to any subpoena issued in *Murdaugh v. Hill* or to impose restrictions on the use of discovery by the parties in *Murdaugh v. Hill* beyond those that the federal

court may itself impose. The State of course would be able to assert any legitimate defenses it may have to a subpoena, but the federal court would decide the merits of the State's challenge to the federal subpoena.

The Protective Order has served its purpose and, in light of the Supreme Court's rulings on these matters, full and fair discovery into Ms. Hill's conduct is now both necessary and appropriate for the conduct of those proceedings. Continuing protection of this information based on a discovery order that was entered over two years ago and has outlived its express objective would serve no useful purpose and would create an unnecessary conflict between our state and federal courts.

Respectfully submitted,



Richard A. Harpootlian, SC Bar No. 2725
Phillip D. Barber, SC Bar No. 103421
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street (29201)
Post Office Box 1090
Columbia, South Carolina 29202
(803) 252-4848
rah@harpootlianlaw.com
pdb@harpootlianlaw.com

James M. Griffin, SC Bar No. 9995
Margaret N. Fox, SC Bar No. 76228
GRIFFIN HUMPHRIES LLC

Post Office Box 999
Columbia, South Carolina 29202
(803) 744-0800
jgriffin@griffinhumphries.com
mfox@griffinhumphries.com

Attorneys for Richard Alexander Murdaugh

May 20, 2026
Columbia, South Carolina.

MAY 20 2026 PM4:31
COLLETON CO GS, GARY HALE

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

) IN THE COURT OF GENERAL SESSIONS
) FOURTEENTH JUDICIAL CIRCUIT
)

The State of South Carolina,

Indictment Nos. 2022GS1500592 – 00595

Plaintiffs,

vs.

CERTIFICATE OF SERVICE

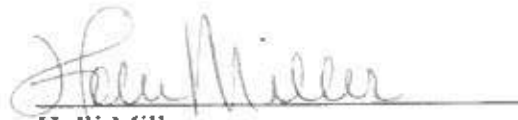
Richard Alexander Murdaugh,

Defendant.

I, Holli Miller, paralegal to the attorney for the Defendant, Richard A. Harpootlian, P.A., with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on May 20, 2026, I did serve via electronic delivery the following document to the below mentioned person:

Document: Motion to Modify the Court's Protective Order Dated January 3, 2024

Served: Creighton Waters, Esquire
Office of The Attorney General
Rembert C. Dennis Building
Post Office Box 11549
Columbia South Carolina 29211-1549
cwaters@scag.gov


Holli Miller

MAY 20 2026 PM 4:31
COLLETON CO GS, GARY HALE

COURTESY OF A
FOIA AROUND AND FIND OUT SPONSOR

State of South Carolina v. Richard Alexander Murdaugh

Indictment Nos. 2022-GS-15-00592 – 0595

Murdaugh's Motion to Modify the Court's Protective Order Dated January 3, 2024

EXHIBIT A

(Protective Order, January 3,
2024)

MAY 20 2026 PM4:31
COLLETON CO GS, GARY HALE

COURTESY OF A
FOIA AROUND AND FIND OUT SPONSOR

STATE OF SOUTH CAROLINA)

COUNTY OF COLLETON)

STATE OF SOUTH CAROLINA)

v.)

RICHARD ALEXANDER
MURDAUGH,

DEFENDANT)

IN THE COURT OF GENERAL SESSIONS

FOURTEENTH JUDICIAL CIRCUIT

Indictment Nos. 2022-GS-15-00592-595

PROTECTIVE ORDER

RECEIVED

Jan 04 2024

S.C. SUPREME COURT

The Court was assigned exclusive jurisdiction for the limited purpose of presiding over Defendant's motion for new trial in the above-listed indictments by the Chief Justice Donald W. Beatty of South Carolina, on December 18, 2023. Defendant Richard Alexander Murdaugh ("Defendant") was convicted of the murders of Margaret Kennedy Branstetter Murdaugh and Paul Terry Murdaugh on March 2, 2023, and sentenced on March 3, 2023. On October 27, 2023, the Defendant filed a motion for a new trial.

Before the Court is the issue of supplemental discovery related to the Defendant's motion for new trial. The Honorable Clifton Newman, the previous presiding judge, entered an Order Compelling Discovery, Temporary Protective Order and Order Conditionally Unsealing Search Warrants ("Protective Order") on August 31, 2022. This order expands on the Protective Order to broaden the protection of supplemental discovery related to the post-trial motion for new trial.

The Court finds that a confidentiality order is warranted to protect the ongoing investigations related to the post-trial motion made in this matter. Further, while the Court generally favors public access and transparency, the Court agrees a confidentiality order is needed given the high-profile nature and media presence in this case.

Therefore, while the Defendant is entitled to the supplemental discovery related to post-trial motions, the Court hereby orders the disclosure subject to the following conditions:

1. IT IS ORDERED the Attorney General is authorized to disclosure to the attorney(s) for the Defendant the supplemental discovery, which includes video recordings of juror interview and any other documents, and must be disclosed to his attorneys consistent with the Defendant's constitutional and statutory rights in preparation of all post-trial motions. The supplemental discovery is to be provided only for the purpose of the post-trial motion of the above-listed indictments, and any other use or disclosure by an attorney or the Defendant subject to this Order is strictly prohibited. The search warrants and related material for the above-listed indictments given by the State to the defense and not otherwise subject to any other confidentiality or protective order, are not to be shown by the Defense to anyone with the exception of the Defendant, his attorney(s), and necessary staff employed with the attorneys' office(s), witnesses, potential witnesses and their representatives for purpose of preparing for the evidentiary hearing on Defendant's post-trial motion. Copies of the discovery of any sort, whether physical, photographic, or digital, shall not be left with the witnesses, potential witnesses, or their representatives except as authorized below.
2. IT IS ORDERED that any necessary staff of the attorney(s) who receive access to or disclosure of the supplemental discovery, or other investigatory materials from SLED, are prohibited from showing them to anyone other than the Defendant, the attorney, and other necessary staff employed within the attorney's office, and necessary staff of the attorney are similarly subject to the provisions of this Order. It is the responsibility of the attorney

to ensure any staff to whom disclosure is made is aware of and complies with the provisions of this Order.

- #3
JAT
3. IT IS ORDERED the Defendant and his attorney(s) are prohibited from photocopying, scanning, digitizing, etc. and disseminating copies of the supplemental discovery materials, as well as an investigatory material from SLED, except for internal use by the attorney(s) and necessary employees of the attorneys' office(s) or for submission to the Court during future hearings. Further, unless otherwise ordered by this Court, all material disclosed pursuant to this Order and all copies of such material must remain in the secured custody and control of Defense counsel, at all times, and, absent an order of the court, must be retained in a secure location by Defense counsel unless and until it is destroyed pursuant to any applicable rule regarding file retention.¹
4. IT IS ORDERED that if Defense counsel should intend to use or involve any expert, investigators, or other consultants in the defense to the post-trial motion, counsel may distribute copies of the necessary materials as needed for the purposes of that individual. However, counsel must first provide a copy of this Order to and obtain a signed, written agreement from such experts, investigators, or consultants that these individuals will not disclose or disseminate any of the discovery materials without explicit permission from this Court. All experts, investigators, and consultants to whom Defense counsel discloses discovery materials shall be bound by this Order to the same extent as Defense counsel. It

¹ For purposes of this Order, Defense counsel may secure physical copies of this protected material by keeping the material in his or her actual possession or by keeping the material in the attorney's law office in a place and manner to ensure that the material is only accessible by the attorney and necessary employees of the attorney's office. Digital copies of protected material are to be secured by placing passwords on all devices containing such material so that only the attorney and necessary employees of the attorney's office will have access to said material. The Defendant is also permitted to independently review copies of any discovery produced by the State, provided the Defendant returns the copies to defense counsel. No evidence or discovery shall be left at a jail, prison, or detention facility. The parties may arrange for a reasonable procedure such as a reading room and protected laptop to facilitate Defendant's review of the materials without compromising the security of the discovery.

is the responsibility of the attorney to ensure any expert, investigator, or other consultant to whom disclosure is made is aware of and will comply with the provisions of this Order.

5. IT IS ORDERED that individuals, whether they be attorneys, the Defendant, necessary staff of attorneys, or experts, investigators, or consultants used by attorneys, who receive disclosure of the supplemental discovery pursuant to this Order, are all bound by the secrecy provisions of this Order and subject to contempt of court for any willful violation of these secrecy provisions.
6. IT IS ORDERED the State similarly shall not disclose supplemental discovery, as well as any supplemental material provided in SLED investigations, except as is necessary to fairly investigate, prepare, and litigate the post-trial motion.
7. This Order shall not be interpreted to prohibit attorneys for the Defendant and for the State, and law enforcement personnel from communicating with witnesses and potential witnesses, and their representatives, in order to prepare for the post-trial motion. Nor shall this Order be construed as prohibiting the State from continuing to interview witnesses, obtain evidence, by subpoena, warrant, or any other means, or prepare and present grand jury testimony for investigative purposes relating to this case, or any other matter involving the Defendant or any other related investigation. This Order does not prohibit the State or the Defense from communicating with representatives of the witnesses or representatives of entities which may possess relevant evidence. This Order does not in any way prohibit the State, prosecutors, law enforcement, and their victim advocates from discussing all aspects of the case and consulting with victims and their representatives consistent with the spirit of the State's constitutional and statutory obligations pursuant to S.C. Const. Art. I § 24 and S.C. Code§ 16-3-1505 *et. seq.*

COURTESY OF A

FOIA AROUND AND KID OUT SPONSOR

8. Nothing in this Order prevents any party from using or referring to any of the supplemental discovery that may be disclosed, or investigatory materials by SLED, for witness preparation, investigation, pleadings and as necessary to litigate any issues raised in the post-trial motion in the courtroom.
9. Nothing in this Order shall be construed as requiring the Defendant or the State to file materials under seal with the Court.

AND IT IS SO ORDERED.


Jean H. Toal
Presiding Judge

This 3d day of Jan., 2024
Columbia, South Carolina

#5

MAY 20 2026 PM4:32
COLLETON CO GS, GARY HALE

State of South Carolina v. Richard Alexander Murdaugh

Indictment Nos. 2022-GS-15-00592 – 0595

Murdaugh's Motion to Modify the Court's Protective Order Dated January 3, 2024

EXHIBIT B

(Sentencing Hearing Transcript,
State v. Hill)

MAY 20 2026 PM4:32
COLLETON CO GS, GARY HALE

COURTESY OF A
FOIA AROUND AND FIND OUT SPONSOR

STATE OF SOUTH CAROLINA)

) IN THE COURT OF

COUNTY OF CALHOUN) GENERAL SESSIONS

THE STATE,)

Plaintiffs,)

Vs) CASE NO. 2025-GS-15-289

MARY REBECCA HILL,) 2025-GS-15-290

Defendant)

DECEMBER 8, 2025

ST. MATTHEWS, SOUTH CAROLINA

HONORABLE HEATH P. TAYLOR, JUDGE

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

BY: SAMUEL R. HUBBARD, III, ESQUIRE

Attorney for the Plaintiffs

BY: WILLIAM C. LEWIS, ESQUIRE

Attorney for the Defendant

KATHERINE A. SPIRES

REGISTERED PROFESSIONAL REPORTER

1 THE COURT: Please be seated. All
2 right. Mr. Hubbard?

3 MR. HUBBARD: Yes, sir, Your Honor.
4 We're here today on *State versus Mary Rebecca Hill*.
5 I've got the indictments and sentence sheets
6 prepared for Your Honor, along with a waiver, a
7 waiver from Richland County, and a waiver also
8 from Colleton County. There's four separate
9 charges. Three of them come out of Colleton
10 County. There's two misconducts, a misconduct in
11 office. Those being Indictments 2025-GS-15-289 and
12 290. For the record, Your Honor, those were
13 indicted under the common law, but we've agreed to
14 proceed on the statute. They're both misdemeanors.
15 And so, technically, those would be waivers.

16 And then the obstruction of justice,
17 that's also out of Colleton County; that's a
18 ten-year misdemeanor. And then the perjury out of
19 Richland County; that's a five-year felony.

20 Your Honor, other than what I've just
21 mentioned, there's been no other deals, there's no
22 recommendations, no negotiations as to sentence.

23 THE COURT: Okay. All right.
24 Mr. Clerk, will you please swear in Mrs. Hill.

25 MARY REBECCA HILL,

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1 being first duly sworn, was examined and testified
2 as follows:

3 THE CLERK: State your full name and
4 spell your last, please.

5 MRS. HILL: Mary Rebecca Hill, H-I-L-L.

6 THE COURT: All right. Mr. Lewis, have
7 you explained the nature and elements of the
8 charges, the potential punishment, as well as
9 Mrs. Hill's constitutional rights?

10 MR. LEWIS: Yes, Your Honor.

11 THE COURT: And have you explained to
12 her her right to have these cases submitted to the
13 Richland County and Colleton County Grand Juries?

14 MR. LEWIS: I have, Your Honor.

15 THE COURT: You believe she understands
16 the charges, potential punishment, as well as her
17 rights?

18 MR. LEWIS: I do, Your Honor.

19 THE COURT: And have you discussed with
20 her her right to have the Richland County case
21 heard in Richland County, and the Colleton County
22 cases heard in Colleton County?

23 MR. LEWIS: Yes, Your Honor, and we
24 waive jurisdiction.

25 THE COURT: Okay. You agree to have it

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RUTH RIVERA LAW: RUTH TO YOU,
RUTHLESS TO THE INSURANCE COMPANIES
SPECIAL THANKS TO RUTHRIVERALAW.COM

1 heard here in Calhoun County?

2 MR. LEWIS: Yes, Your Honor.

3 THE COURT: All right.

4 EXAMINATION

5 BY THE COURT:

6 THE COURT: Are you Mrs. Hill?

7 MRS. HILL: Yes, sir.

8 THE COURT: How old are you?

9 MRS. HILL: Fifty-eight.

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

12 MRS. HILL: High school.

13 THE COURT: What do you do for a
14 living?

15 MRS. HILL: Now I'm currently retired.

16 THE COURT: Are you married?

17 MRS. HILL: Yes, sir.

18 THE COURT: Do you have any children?

19 MRS. HILL: I have two children.

20 THE COURT: Do you suffer from any
21 physical or mental condition that would prevent you
22 from understanding what we're doing today?

23 MRS. HILL: No, Your Honor.

24 THE COURT: Have you consumed any
25 alcohol, drugs, or other medication that would

1 | impair your ability to understand what we're doing
2 | today?

3 | MRS. HILL: No, Your Honor.

4 | THE COURT: You understand this plea is
5 | taking place here in Calhoun County, and you have
6 | the right to have both of the -- or three of the
7 | charges heard in Colleton County, and one heard in
8 | Richland County?

9 | MRS. HILL: Yes, Your Honor.

10 | THE COURT: And you agree to waive that
11 | and you want me to hear it here today?

12 | MRS. HILL: Yes, Your Honor.

13 | THE COURT: When you enter a guilty
14 | plea, you give up important constitutional rights.
15 | Those include your right to remain silent, not be
16 | compelled to testify against yourself. You also
17 | have a right to a jury trial where the State would
18 | have to prove you guilty beyond a reasonable doubt.
19 | In the event you exercise your right to a trial,
20 | you have the right to have Mr. Lewis cross-examine
21 | and confront witnesses against you and compel
22 | witnesses to appear and testify on your behalf.

23 | You also have the right to have these
24 | -- three of the charges presented to the Colleton
25 | County Grand Jury; one of them presented to the

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1 Richland County Grand Jury, where in each of those
2 cases, 12 of 18 grand jurors would determine
3 whether or not your case goes forward.

4 Finally, you have the right to present
5 certain defenses which you waive or give up when
6 you pled guilty. Do you understand all those
7 rights?

8 MRS. HILL: Yes, Your Honor.

9 THE COURT: Understanding the rights
10 I've explained to you, do you wish to plead guilty
11 and give up those rights?

12 MRS. HILL: Yes, Your Honor.

13 THE COURT: And you're pleading guilty
14 to two counts of misconduct in office; is that
15 correct?

16 MRS. HILL: Yes, Your Honor.

17 THE COURT: And, Mr. Hubbard, the range
18 is not on here.

19 MR. HUBBARD: It's one year and a fine
20 of up to \$1,000. I apologize, Your Honor. I did
21 not put that on any of the sentencing sheets.

22 THE COURT: And the obstruction of
23 justice?

24 MR. HUBBARD: Carries up to ten years.

25 THE COURT: Up to ten. And perjury is

1 five?

2 MR. HUBBARD: Yes, sir.

3 THE COURT: And, Mrs. Hill, you
4 understand the potential sentences in each of those
5 cases?

6 MRS. HILL: Yes, Your Honor.

7 THE COURT: Now, do you fully
8 understand the nature of the charges against you
9 and the range of possible punishment?

10 MRS. HILL: Yes, Your Honor.

11 THE COURT: Are you satisfied with the
12 manner in which Mr. Lewis has advised and
13 represented you?

14 MRS. HILL: Yes, Your Honor.

15 THE COURT: Have you had the
16 opportunity to review all the evidence against you
17 and discuss it with Mr. Lewis?

18 MRS. HILL: Yes, Your Honor.

19 THE COURT: Do you need anymore time to
20 speak with him?

21 MRS. HILL: No, sir, I don't.

22 THE COURT: Do you believe he's done
23 everything for you that he could of or should have
24 done?

25 MRS. HILL: Yes, Your Honor.

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FOIA AROUND AND FIND OUT SPONSOR

1 THE COURT: Are you completely
2 satisfied with his services?

3 MRS. HILL: Yes.

4 THE COURT: Has anybody promised you
5 anything or threatened you in any manner to get you
6 to plead guilty here today?

7 MRS. HILL: No, Your Honor.

8 THE COURT: You understand you got ten
9 days from today's date to appeal your guilty plea
10 and my sentence?

11 MRS. HILL: Yes, Your Honor.

12 THE COURT: Understanding the nature of
13 the charges and the consequences of a guilty plea,
14 how do you plead here today?

15 MRS. HILL: I plead guilty, Your Honor.

16 THE COURT: To all four charges?

17 MRS. HILL: Yes, sir.

18 THE COURT: Tell me about it,
19 Mr. Hubbard.

20 MR. HUBBARD: Yes, sir. Thank you,
21 Your Honor. Your Honor, I'd like to begin, if I
22 would, explain why I'm here. This was an attorney
23 general's case. This is not a conflict case, but
24 Attorney General Alan Wilson wanted to bring me in
25 as a fresh set of eyes, let me build up my

1 prosecution team, gave me the benefit of Ben Aplin,
2 one of his appellate lawyers; but I do have the
3 letter where he designated me to handle this case,
4 my team. It's dated July 10th of 2024. I'd like
5 to make that a Court's exhibit.

6 THE COURT: I guess maybe we should
7 explain as well why I'm here. I was appointed by
8 the Chief Justice with exclusive jurisdiction over
9 this case to hear it anywhere in the state.
10 Because by Chief Justice Kittredge's order, so I
11 guess that would explain that as well. So go
12 ahead.

13 MR. HUBBARD: And thank you for having
14 us here, Your Honor. I mean, for us, in talking
15 with Defense, it wasn't important where we handled
16 this, just as long as it was handled. But, Your
17 Honor, the authority given to me specifically, both
18 in the letter and vocally to me, was for me to lead
19 my team and for me to make that decision whether
20 there's anything to prosecute, if there was, to
21 proceed on it. I have carte blanche authority to
22 proceed as I saw fit.

23 So the team I have, I have my Deputy
24 Solicitor Suzanne Mayes who's got 30 plus years in.
25 Bruce Norton from my office an assistant solicitor.

1 And again, I mention Ben Aplin with the AG's
2 office, and frankly, I'd love to have an appellate
3 lawyer on every case I prosecute, so it's been
4 great having him. And I got my staff. I've got
5 Lauren Biggerstaff, who is my paralegal, and I've
6 had two investigators on this case. I've got James
7 Sully Sullivan and John Bishop from my office.
8 This was a collaborative effort. This is how we
9 approach our cases.

10 Our goal was to simply look through the
11 massive investigations that were conducted here and
12 to see what, if anything, rose to the level of a
13 crime. And if something did, could we prosecute it
14 successfully and prove it beyond a reasonable
15 doubt? There's two separate investigations.
16 Generally speaking, there was SLED, but also the
17 State Ethics Commission, each independently had
18 investigations into Mrs. Hill's conduct. Those
19 investigations overlapped to some extent.

20 The Ethics investigation began July of
21 2023, two separate complaints came in concerning
22 Mrs. Hill about potential misconduct during her
23 tenure as clerk of court. These investigations by
24 the Ethics Commission uncovered what they believed
25 to be numerous instances of ethical violations, and

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1 our job was to review those findings and see what,
2 if anything, rose to the level of a criminal
3 offense.

4 The SLED investigation began
5 January 5th of 2024, into potential criminal
6 misconduct, again, for Mrs. Hill, involving both
7 money matters, but also issues arising out of the
8 trial, *State versus Murdaugh*. What we did is we
9 met with all of the SLED investigators and with the
10 investigators from the State Ethics Commission. We
11 reviewed all their reports, including their
12 interviews, the audio interviews, their video
13 interviews. Some instances, we asked for
14 additional information so we could have some
15 clarity on issues. And our focus again was, what
16 appears to rise to the level of a crime and can we
17 prove it in a court of law beyond a reasonable
18 doubt?

19 I'm a firm believer that if I can't
20 prove something in court, I'm waisting my time
21 bringing a charge. Our review resulted in four
22 separate charges, the ones that are before you.
23 Two counts of misconduct in office, an obstruction
24 of justice, and a perjury charge.

25 Beginning with the first misconduct in

1 office, which is Indictment 289, that deals with
2 money and frankly, IV -- Title IV-D money, and some
3 other county money out of Colleton County, and --
4 where Mrs. Hill gave herself bonuses.

5 As you know, Title IV-D money is a
6 program -- a federal program and it's created to
7 help families get assistance with child support.
8 Has an enforcement mechanism where a clerk of court
9 can augment the salary of her employees for that
10 enforcement process. And, technically, it's
11 supposed to be, you give them a percentage of money
12 based on the percentage of work.

13 The money she was providing was styled
14 as a bonus. I didn't have an issue with that. But
15 the issue we did have was that she gave herself
16 this money as well. And, Your Honor, we believe
17 that as an elected official, you cannot augment
18 your salary. It goes directly to the statute that
19 she's indicted under and to the common law as well,
20 you cannot monetarily benefit from your elected
21 position.

22 And so over a period of September 1,
23 2021 through March 5th of 2024, she awarded herself
24 a total of \$9,880 in bonuses entitled IV-D money.
25 In addition, she awarded herself \$2,000 in bonus

1 money from her clerk fund, her Colleton County
2 clerk of court's office funds. We believe all that
3 was inappropriate because that augmented her
4 salary. The total restitution for that is \$11,880.
5 And I talked with the Defense, they do have a check
6 prepared today to pay that amount back and it's to
7 Colleton County. Colleton County will then put it
8 in the proper accounts.

9 As to the other misconduct charge.
10 June 7th of 2023, Mrs. Hill used her official
11 position as clerk of court to promote her book
12 *Behind the Doors of Justice, the Murdaugh Murders*.
13 She filmed the video promoting her book in her
14 office with her nameplate, clerk of court. She
15 clearly used the trappings of her office in this
16 video to promote her book. There was one purpose
17 of the video to sell books. The video was then
18 published through the Walterboro Chamber of
19 Commerce's official YouTube channel to put that
20 information out there to advertise her book.
21 Again, the theory behind this is the same as the
22 first misconduct charge, that she was using her
23 office to make money and you can't do that.

24 Those both charges arose out of
25 initially, out of the State Ethics Commission's

1 investigations. There was overlap of the SLED
2 investigations. Turning to the SLED
3 investigations, the primary one that we ended up
4 focussing on was what we've now got as obstruction
5 of justice which is the ten-year misdemeanor charge
6 under the common law.

7 While serving as clerk of court during
8 the trial of *State v. Murdaugh*, she provided
9 unauthorized individuals with access to sealed
10 exhibits in violation of a written order from the
11 judge, Judge Newman, but also is in violation of
12 her duties as clerk of court. Specifically,
13 January 14th of 2024, SLED was advised that there
14 were several graphic crime scene photos that were
15 designated as sealed exhibits during that trial and
16 they had been released improperly.

17 SLED also received photos of text
18 messages containing pictures of these sealed
19 exhibits. The contents of the photos indicated
20 they had been taken inside the Colleton County
21 courthouse. The investigation established that the
22 photographs of the sealed exhibits were posted on
23 Twitter after a member of the media shared the
24 photos with personal acquaintance. The meta data
25 of those photos, as Your Honor knows in the digital

1 age, you don't just have a photo, but we can tell
2 where it was made and when it was made.

3 The meta data from the pictures of the
4 sealed exhibits show the photographs were taken on
5 February 28, 2023 at 7:49 p.m. inside the Colleton
6 County courthouse during the trial of *State versus*
7 *Murdaugh*.

8 In fact, it was after hours, so there
9 was no business going on at the courthouse. The
10 security card access log show that Mrs. Hill's
11 security card was the one that allowed access to
12 the secured area where the photographs were taken
13 and that access card showed she was there from 7:46
14 p.m. to 8:06 p.m. So it puts her there at the time
15 these sealed exhibits were photographed and these
16 same photographs were then placed on Twitter and
17 shared with others.

18 An interview with a member of the media
19 who admitted being present at the time,
20 acknowledged that Mrs. Hill provided multiple
21 members of the media with unrestricted access to
22 evidence from the *Murdaugh* trial including those
23 sealed exhibits. Obviously, these were photos that
24 the jury was going to see or had, you know, were
25 presented in court, but the judge was obviously

1 | very concerned about the public seeing them and any
2 | type of influence that it might have on the jury.

3 | There's nothing in the investigations
4 | that shows that any juror members were affected by
5 | this. There's -- obviously, it's a serious charge,
6 | it violated a judge order, but also it threatened
7 | the integrity of the trial itself.

8 | The perjury charge arose much later.
9 | That's a five-year felony. January 29th of 2024,
10 | Mrs. Hill was called to testify in a hearing before
11 | former Chief Justice Jean Toal regarding
12 | allegations of improper jury contact during the
13 | *Murdaugh* trial. While being questioned under oath,
14 | there was an issue of some photos that were sealed
15 | that improperly got out into the public. It turned
16 | out, those had not been sealed. It was a mistake.
17 | But what Justice Toal did is she then questioned
18 | Mrs. Hill, specifically, about those sealed
19 | exhibits.

20 | She asked, quote, "Did you ever allow
21 | anyone from the press to view the sealed exhibits?"
22 | And this is under oath and Mrs. Hill's response
23 | was, "No, ma'am."

24 | Later during the same line of
25 | questioning, Judge Toal asked, quote, "Were any

1 press people ever allowed to view exhibits, even
2 the sealed exhibits that you had on file?" And
3 again, Mrs. Hill's answer under oath was, "No,
4 ma'am."

5 That constitutes perjury and that's the
6 basis for that charge, Your Honor.

7 These investigations covered a wide
8 variety of actions. A number of them that we
9 looked at, but we didn't believe we had enough
10 evidence to proceed on including allegations of
11 wiretapping. The Court may know that Mrs. Hill's
12 son, Jeffrey Hill, right now has pending charges
13 for wiretapping. He served as an IT director for
14 Colleton County at the same time she was clerk of
15 court.

16 So when they were investigating that
17 complaint, SLED was also looking at Mrs. Hill to
18 see if she was part of that wiretapping. And the
19 -- this was back in 2023. As I said, Mrs. Hill
20 being subject to that investigation, there was
21 never evidence that she had knowledge. That's
22 something I would have to have to proceed forward.
23 It appeared clear that she had information from her
24 son that we know he gleamed from wiretapping, but
25 we had no evidence to link her and show knowledge

1 of wiretapping. And Your Honor knows that would be
2 a fatal charge, there would be a directed verdict
3 if I did indictment and try to proceed, I could not
4 prove that.

5 The other issue we looked at was
6 improper jury contact which was the basis of
7 Justice Toal's hearing. Of course, our standard of
8 review is very different from the one the Court
9 will take. For us, we were looking at, did action
10 take place that rose to the level of a crime and if
11 there was action there, could we prove it beyond a
12 reasonable doubt?

13 It's the way we approach everything.
14 That's what we do as prosecutors. Specifically,
15 there were three jurors who alleged its improper
16 contact. I will just refer to them by numbers,
17 because right now the only person I'm focused on
18 and the authority I have to focus on is Mrs. Hill.
19 But Juror No. 630, who actually served on the jury
20 and rendered a verdict on that case was one of
21 those. Juror 785, who was removed by Judge Newman
22 during the course of the trial before
23 deliberations, he removed for the purpose of
24 improperly discussing the case with others before
25 the deliberation began. And the final juror that

1 brought allegation was Juror 741 who served as an
2 alternate and did not participate in the verdict.

3 These three jurors, particularly 785
4 and 630, have given multiple and different accounts
5 of Mrs. Hill's conduct. All of them have their own
6 variation of what they say happened and all of
7 them, at least in postinterview, specifically, 785
8 and 630, have changed somewhat in what they have
9 said.

10 None of them brought these issues up
11 before the court at the time. This information
12 came out after defense attorneys for Mr. Murdaugh
13 were looking and talking to jurors, nothing
14 improper on their part, they have a right to do
15 that, just at various issues they were looking at.
16 These inconsistencies that we have, particularly,
17 we have affidavits, but like one affidavit from 630
18 says, her vote, the pressure she felt was from
19 other jurors. She makes allegations about
20 Mrs. Hill's conduct, but that her vote was
21 basically the pressure she felt from other jurors.
22 That has since changed.

23 As Your Honor knows, if I were to
24 prosecute this case, all three of these jurors
25 would be my key witnesses. And the inconsistencies

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1 | would be insurmountable if I proceeded forward. In
2 | addition, what SLED did, is they interviewed the
3 | remaining 11 jurors. None of them corroborate
4 | these three jurors. One juror out of that whole
5 | bunch said something about Mrs. Hill said something
6 | about the Defendant's demeanor. But in his
7 | statement to SLED, he said, I didn't know what she
8 | was talking about. My vote was my vote. It was
9 | based on the evidence. So there was no -- nothing
10 | to really go on with that juror.

11 | Otherwise all of them denied everything
12 | that was said in the backroom by Mrs. Hill. Many
13 | of them said she was very professional when she was
14 | back there and she only talked about the things
15 | that the judge had sent her back there to talk
16 | about. So they -- I would be facing a trial with
17 | 11 witnesses on a jury coming in to say everything
18 | the State is saying is not true.

19 | In addition, Your Honor, when Justice
20 | Toal had her hearing in Columbia on jury misconduct
21 | -- or Mrs. Hill's improper contact with the jurors,
22 | she also interviewed each of those 11 jurors under
23 | oath and again, they all reiterated that they
24 | didn't hear anything and that it didn't affect
25 | their vote.

1 The Court has a different standard,
2 obviously, and I know there is appellate issues in
3 *Murdaugh*, that's not my concern. My only and sole
4 concern was, what evidence do we have and then can
5 I prove it in a court of law beyond a reasonable
6 doubt? And the answer is, frankly, I don't know
7 that I have enough based on what we have to even
8 get an indictment. But I do know this based on my
9 35 years experience, and the collective experience
10 of the team we have, we cannot get a conviction
11 because we cannot prove that case beyond a
12 reasonable doubt.

13 Your Honor, those are the major issues
14 we looked at. As Mrs. Hill pleads today, she has
15 no record. And, again, other than the misconduct
16 charges being from common law to a statute, there
17 are no recommendations or negotiations as to the
18 sentence.

19 THE COURT: All right. Mrs. Hill, do
20 you substantially agree with the facts that the
21 Solicitor just told me?

22 MRS. HILL: Yes, Your Honor.

23 THE COURT: I find there is a
24 substantial factual basis for the decision to plead
25 guilty. I find that her decision to plead guilty

1 is freely, voluntarily, and knowingly made.
2 Mrs. Hill understands she's giving up important
3 constitutional rights by pleading guilty and she
4 has had the advise in counsel from a competent
5 attorney with whom she says she's satisfied.

6 Mr. Lewis?

7 MR. LEWIS: Yes, Your Honor. I do want
8 to address just a couple of things regarding
9 sentencing. And I know Your Honor is familiar with
10 everything as laid out by Solicitor Hubbard.

11 First and foremost, Mrs. Hill is coming
12 here accepting responsibility here today. I think
13 Hubbard and the Attorney General would agree, all
14 of those investigations that were discussed, from
15 day one, Mrs. Hill has cooperated. And in every
16 courtroom that I've been in, cooperation was also a
17 benefit for the Defendant.

18 But I would be remiss if I did not talk
19 about what Mrs. Hill is not pleading guilty to.
20 Okay. Solicitor Hubbard hit this a little bit, but
21 frankly, for the benefit of a lot of people
22 watching, for the last few years, the allegations
23 about Mrs. Hill whether it be jury tampering or
24 wiretapping, that's not why we're here. That is
25 not for consideration for Your Honor. And that is

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1 not what she's accepting responsibility for. She's
2 accepting responsibility for what she did. And it
3 was serious crimes and serious misconduct and
4 that's why she's here.

5 But when we get rid of the noise
6 surrounding this and we actually look at the
7 conduct in front of Your Honor and, Your Honor, I'm
8 a product of federal court predominately, that's
9 kind of how I think about these sentencing issues.
10 And I think about the three goals of sentencing
11 that when someone is sent to you in what you're
12 doing and it's specific terms to prevent her from
13 reoffending, general terms, someone else sees this,
14 we don't want them to do it and then full justice
15 for the victims.

16 And when I look at that framework for
17 Mrs. Hill, well, there is truly no one who come in
18 this courtroom and say that Mrs. Hill, 58-year old
19 grandmother, a mother, has been employed her whole
20 life, helps almost every single day one of her
21 special needs grandchildren. Taught herself sign
22 language to help people including her god daughter.
23 Served her community and continues to do up to
24 today, is that any risk of reoffending? And the
25 fact that she has agreed from day one to accept

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1 this perjury count as a felony, she's literally
2 logically prohibited from creating misconduct in
3 office again. I mean, she can't legally do it.

4 So the risk of reoffense, at least to
5 Mrs. Hill is nonexistent. Regardless -- of all
6 respect, regardless of your sentence. If I think
7 about general deterrence, I don't think anyone
8 who's watched the saga of what Mrs. Hill has gone
9 through over the last couple of years would think
10 this is a good idea. I mean, a lot of times we
11 think about collateral consequences in this
12 circumstance, she's lost her life. She's given up
13 her position. She faces shame every day. I mean,
14 she's frankly on home detention right now in her
15 own community just trying to avoid the hoopla
16 that's going on surrounding Mrs. Hill. I don't
17 think anyone in their right mind would think this
18 is worth it.

19 On top of that, Your Honor, for the
20 last consideration, you know, full justice to the
21 victim, the only victim that has been named is
22 Colleton County. And before she pled guilty,
23 Mrs. Hill has given a check for full restitution
24 for every single dime that she has of any monetary
25 benefit for any of these alleged schemes, she is

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1 paying back. And that is her trying to write the
2 wrongs before her.

3 So when we look at it from those
4 circumstances, Your Honor, if we're thinking about,
5 you know, a punishment that's sufficient but not
6 greater than necessary to achieve those goals, a
7 noncustodial sentence is the only reasonable
8 sentence.

9 The last thing that I will touch on
10 before Mrs. Hill speaks to you is, we always try to
11 avoid sentencing disparities in these
12 circumstances. And unfortunately, in South
13 Carolina at least recently, we do have a history of
14 attorney general prosecutions of former public
15 officials involving misconduct in office. And when
16 I looked at prior sentences involving misconduct in
17 office involving significantly more money, taken
18 over a longer period of time, with more repeated
19 conduct than what we have here, these limited
20 bonuses, we have noncustodial sentences.

21 I even ran the federal sentencing
22 guidelines because I couldn't find a perjury
23 prosecution sentence fully, Your Honor. I couldn't
24 find one from state statistics. And I ran it under
25 the guidelines which I know from your prior

1 experience you're familiar with, you know, that's a
2 base level 14, three levels down, she's 11. That's
3 a split sentence noncustodial even in federal
4 court.

5 So if we're looking at similar
6 sentences given for these type of crimes for
7 someone with no criminal history like Mrs. Hill,
8 frankly, there isn't a precedent unless they know
9 something otherwise, and I don't think they do, for
10 a custodial sentence in this case, Your Honor, at
11 least from a sentencing disparity.

12 And the last thing I will say before
13 you hear from Mrs. Hill, Your Honor, is, she's
14 going to give a short statement and I've been on
15 the other side of hearing these statements, I've
16 observed a lot of sentencing's, I've been here
17 where you hear, I'm sorry. And you hear, I'm
18 shamed. And you hear, I'm going to do better. And
19 a lot of times I think those statements fall on
20 death ears because the person making them can't
21 support it. You know, it's just something said
22 after I get caught. That is not the circumstance
23 that we have with Mrs. Hill.

24 We have support she's trying to make
25 things better. She literally is paying back every

1 dollar she owes. Since day one she's been
2 approached with this, she has cooperated. She has
3 done what she's supposed to do. This does not
4 minimize her crimes, but in the context of
5 committing them and who she is as a person and what
6 she's going to do, she's doing the right steps. So
7 when you do hear the statement from Mrs. Hill, I
8 hope that you see the support behind it. And we do
9 ask for any noncustodial sentence within your
10 discretion whether that probation, home detention,
11 anything else, but we do feel that a custodial
12 sentence in this case would result in a sentencing
13 disparity unwarranted by the circumstances, Your
14 Honor.

15 THE COURT: All right.

16 MRS. HILL: Thank you, Your Honor.

17 THE COURT: Mrs. Hill?

18 MRS. HILL: Your Honor, I want to say
19 that I am truly sorry and I do take full
20 responsibility for my actions. And I know that I
21 have let down this court, my community, and the
22 people that put their trust in me. There is no
23 excuse for my mistakes. I am ashamed of them and I
24 will carry that shame with me for the rest of my
25 life.

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1 I have already begun the hard work of
2 rebuilding the relationships that I damaged by
3 accepting responsibility, by seeking forgiveness
4 from those that I love, and by repaying any
5 improper bonus I received. I am committed to
6 making amends. To be honest and to living in a way
7 that reflect the values that I failed to uphold.

8 Your Honor, I respectfully would ask
9 for the opportunity to continue supporting my
10 family and to work every day to rebuild the trust
11 that I have broken.

12 MR. LEWIS: Thank you, Your Honor.

13 THE COURT: Okay. Anything else?

14 MR. LEWIS: No, Your Honor, nothing
15 from the Defense.

16 THE COURT: All right. Anything else
17 from the State?

18 MR. HUBBARD: No, sir, Your Honor.

19 THE COURT: Mr. Lewis, does she have
20 any time served?

21 MR. LEWIS: No, Your Honor. She was
22 there for about eight hours.

23 THE COURT: Oh, so a day. Okay.

24 All right. I have certainly taken in
25 what all has been presented here today and I can

1 tell you, Mrs. Hill, had Mr. Hubbard's team
2 uncovered any sort of jury tampering, there would
3 be a much different sentence here today. There's
4 probably nothing more sacred than our system than
5 the jury. And had there -- and I have known
6 Mr. Hubbard since his hair was dark and I had some
7 hair. So if his team -- and I know both the
8 lawyers on his team, and if they tell me at least
9 they couldn't prove it, then that's enough for me.

10 I'm sure you have -- and I know you've
11 been humiliated throughout this whole ordeal, but
12 of your own doing. I think a lot of folks got
13 swept up in the hoopla that was that trial and
14 unfortunately, you know, with the obstruction
15 charge, a lot of folks probably made a lot of money
16 that you didn't by virtue of that.

17 But with that being said, I would agree
18 with Mr. Lewis, I don't think this -- the conduct
19 here warrants an incarcerated sentence. So on the
20 misconduct in office on each of those, I find she
21 be committed to the Department of Correction for a
22 term of one year, provided upon the service of one
23 day time served. The balance will be suspended
24 with probation for three years. There would also
25 be 100 hours of community service associated with

1 one of those. I didn't put it on all the
2 sentencing sheets because I didn't want probation
3 to misinterpret it and give her 400 hours.

4 On the obstruction of justice, I find
5 she committed to the Department of Correction for a
6 term of five years, provided upon the service of
7 one day time served. Balance to be suspended with
8 probation for three years.

9 And, finally, on the perjury. I find
10 she be committed to the Department of Correction
11 for a term of five years, provided upon the service
12 of one day time served. Balance to be suspended
13 with probation for three years.

14 Good luck to you, ma'am.

15 MRS. HILL: Thank you.

16 MR. LEWIS: Thank you, Your Honor.

17 THE COURT: Are y'all going to get
18 these sentencing sheets to the appropriate --

19 MR. HUBBARD: Yes, Your Honor, and if
20 we could, I think we have some SLED agents that are
21 actually from that area can take them, if the
22 Court's willing. And, also, the check that
23 Mrs. Hill has provided, if we could get that to
24 Colleton County today, if that suits Your Honor?

25 THE COURT: All right. That's fine

1 with me.

2 MR. LEWIS: Thank you, Your Honor.

3 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Calhoun County, South Carolina, on the 8th of December, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 9, 2025

Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

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