

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

**STATE'S RESPONSE TO DEFENDANT'S
MOTION FOR INDEPENDENT
LABORATORY REVIEW OF DNA
EVIDENCE**

Defendant requests this Court order independent laboratory review of SLED Item No. 70. Defendant argues that further "forensic genetic genealogy" testing of Item No. 70 may resolve the identity of the unknown minor contributor to DNA recovered from Victim Maragret Murdaugh's fingernails. The motion as currently relayed should be denied for the following reasons.

SLED Item 70 is left fingernail clippings from Margaret Murdaugh. This item was tested by SLED, and some samples have been retained pursuant to best practice. A DNA profile suitable for comparison was developed, and interpreted as a mixture from two individuals. Maggie Murdaugh was identified as a contributor as one would expect given that it was her fingernails. A very partial and incomplete profile of another contributor was identified.

First, it is important to put this evidence in context, which of course had been available to the defense from early in the discovery process before the first trial. Touch DNA has gotten extremely sensitive, and we know that as humans interact with each other and their environment they are shedding DNA and picking up shedded DNA from others. Indeed, Maggie had her nails done the day of the murders according to anecdotal evidence in the case. More importantly, there is absolutely no evidence that a physical

struggle took place between Margaret Murdaugh and her murderer. She had no defensive wounds, and no indications on her hands or fingernails that she scratched her attacker. It was as if she was unexpectedly gunned down from a threat that she did not see coming.

Moreover, the incomplete nature of this profile limits its evidentiary value. This profile is not eligible for submission to CODIS as it did not contain enough identifying information to meet the threshold for submission. There is nothing of value to be obtained from "a more thorough analysis" because a thorough analysis has been completed by SLED. Defense has made no attempt to facilitate communication between SLED and Othram to even determine whether Item 70 would be eligible for testing by Othram, or what sort of testing Othram could conduct that SLED cannot. Defense has also failed to state what "more thorough analysis" would be conducted. If the defense lab expert wishes to reach out to SLED to discuss what exactly is proposed, why it is likely to be effective, and why it cannot be done by SLED, the State would certainly consider such discussions. There would also need to be discussions about protocols to facilitate review and preserve appropriate chains and sample integrity. At this point we have nothing of specifics and substance.¹

Ultimately, the unknown minor contributor to trace amounts of DNA under Victim

¹ Rule 4(a) of the South Carolina Rules of Criminal Procedure requires that "[a]n application to the court for an order shall be by motion which, unless made during a hearing or trial in open court with a court reporter present, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought." Rule 4(a), SCRCrimP (emphasis supplied). Defendant has failed to establish whether its independent laboratory even has the ability to extract, quantify and amplify enough DNA from Item 70 to create a viable sample to successfully conduct "forensic genetic genealogy" testing. Defendant failed to offer any prima facie explanation on how the purported "forensic genetic genealogy" testing may "more thorough[ly]" analyze Item 70 in comparison to the extensive DNA testing that has already occurred. His motion is insufficient under Rule 4(a).

LUNASHARK MEDIA: EMPOWERING VICTIMS' VOICES THROUGH FOIA

Margaret Murdaugh's fingernails is of very limited consequence. While the defense is certainly entitled to its thorough examination of evidence and independent testing when appropriate, the defense failed to state sufficient grounds for their motion. The State is concerned that non-traditional DNA testing for the sake of non-traditional DNA testing in this retrial is an unnecessary boondoggle that is more made for public consumption than to uncover viable evidence. That being said, the State is happy and willing to facilitate actual substantive conversations with the defense experts as to their proposals and representations as to their capabilities.

The State respectfully requests this Motion be denied.

Respectfully submitted,

ALAN WILSON
ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

By:


S. Creighton Waters
Sr. Assistant Deputy Attorney General

Columbia, South Carolina
June 28, 2026