

**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

**SUPPLEMENTAL BRADY AND GIGLIO
MOTION FOR DISCLOSURE IN
ADVANCE OF RETRIAL**

PLEASE TAKE NOTICE that the Defendant, Richard Alexander Murdaugh, by and through his attorneys, hereby renews his Motion for Disclosure of Evidence requiring the State of South Carolina to supplement, update, re-conduct its search, and make available to the Defendant in advance of the retrial any and all documents, evidence and other information which is subject to disclosure pursuant to the Due Process Clause of the Fourteenth Amendment of the United States Constitution, Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), United States v. Agurs, 427 U.S. 97 (1976), and Rules 5 and 6 of the South Carolina Rules of Criminal Procedure.

BACKGROUND

On July 15, 2022, Defendant served his Rule 5 Motion for Disclosure (the "Original Motion") on the State. The State's discovery production in response to the Original Motion, and its Rule 5 obligations generally, was substantially completed prior to the Defendant's first trial.

This case is now set for retrial. A substantial period of time has elapsed since the State's original discovery production. During that interval, the personnel, witnesses, law enforcement agencies, forensic laboratories, and prosecuting authorities involved in this matter have continued to generate, receive, and become aware of information bearing on the credibility of witnesses, the reliability of evidence, and matters favorable to the Defendant. Defendant is entitled to a current

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and complete disclosure of such material before proceeding to retrial, pursuant to the State's continuing disclosure obligations.

THE STATE'S CONTINUING DUTY TO DISCLOSE

Rule 5(d), SCRCP, imposes a *continuing duty* on the State: if, subsequent to compliance with a discovery request or order, and prior to or during trial, the State discovers additional material previously requested or covered by such request which is subject to discovery, the State must promptly notify the Defendant, the Defendant's attorney, or the Court of the existence of the additional material. Brady and its progeny likewise impose an ongoing obligation on the prosecution to disclose material evidence that is favorable to the Defendant — an obligation that does not expire with the completion of a prior trial and reattaches with full force upon retrial.

Favorable and impeachment information that did not exist, was not known, or was not disclosed at the time of the original production — including but not limited to new witness statements, internal investigations, witness disciplinary or credibility issues, changes in witness cooperation or benefits, and any post-trial developments bearing on the integrity of the investigation or prosecution — falls squarely within the State's continuing disclosure obligation and must be produced before retrial.

SUPPLEMENTAL DISCLOSURE SOUGHT

Defendant respectfully renews and incorporates by reference each request set forth in the Original Motion, and additionally requests and Order compelling the State to conduct a fresh, updated search — covering the period from the date of its original production through the present — and disclose the following:

1. All Brady material in this case, in the broadest sense of the term, that has come into existence or come to the State's attention since its prior production in this case.

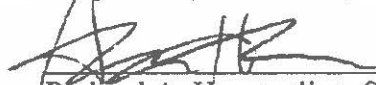
2. All Brady material in SLED Case #31-21-0092 (Side of Road) and SLED Case #78-21-0387 (Narcotics), in the broadest sense of the term that has come into existence or come to the State's attention since its prior production in those cases.
3. All Giglio material concerning any witness the State intends to call at trial, including any impeachment, credibility, disciplinary, or misconduct information pertaining to law enforcement witnesses, forensic analysts, expert witnesses, or lay witnesses.
4. Any new or modified promises, rewards, inducements, plea agreements, cooperation agreements, or grants of immunity made to any witness, including any changes to previously disclosed agreements.
5. Any newly obtained statements from, or newly discovered inconsistencies involving, witnesses previously disclosed, as well as any such material concerning any new or previously undisclosed witness the State intends to call at retrial.
6. Updated personnel and disciplinary files, internal affairs records, or any sustained or pending misconduct findings for any law enforcement officer, investigator, or forensic analyst involved in the investigation, arrest, or prosecution of Defendant.
7. Any post-conviction, post-trial, or appellate-related investigative materials, memoranda, or communications concerning the integrity of the verdict, the conduct of trial participants, or any basis for retrial, to the extent such materials contain or reference information favorable to the Defendant.
8. Any updates, corrections, retractions, or additional analysis concerning forensic or DNA testing, methodologies, proficiency testing, or software used in this case since the original disclosures.

9. Any additional search warrants, affidavits, or related materials obtained, sought, or executed since the original production that pertains to the investigation of Defendant.
10. Confirmation, in writing, that the State has conducted a diligent and current search of all files, personnel, and agencies described in the Original Motion's definition of "the State," and that no additional Brady or Giglio material exists beyond what has been or will be produced.

CONCLUSION

For the foregoing reasons, Defendant Richard Alexander Murdaugh renews his motion for discovery and requests an Order compelling the State to conduct an updated, diligent search for and disclosure of all Brady and Giglio material described above and in the Defendant's Original Motion. The Defendant further requests that the State be ordered to provide this information no later than 30 days from the date of this motion, in accordance with Rule 5 of the South Carolina Rules of Criminal Procedure.

Respectfully submitted,



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August 5, 2026
Columbia, South Carolina

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COUNTY OF COLLETON

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

The State of South Carolina,

Plaintiffs,

vs.

Richard Alexander Murdaugh,

Defendant.

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CERTIFICATE OF SERVICE

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 August 5, 2026, I did serve via electronic delivery the following document to the below mentioned person:

Document: Supplemental Brady and Giglio Motion for Disclosure in Advance o
of Retrial

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

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