

**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

**CORRECTION OF DEFENSE COUNSEL'S
FALSE STATEMENT AT AUGUST 14
HEARING REGARDING POLYGRAPH**

A. Introduction

The State hereby files this document and moves to correct factually inaccurate statements made by defense counsel at the hearing before this Honorable Court on August 14, 2026. Defense counsel's claim on the record at the hearing that Defendant Alex Murdaugh passed a SLED polygraph as to the murders, much less any governmental polygraph on any subject, is categorically false and clearly said for no other reason than an attempt to prejudice this Court and the public.¹

B. Discussion

The State filed a motion to exclude mention of any polygraph examinations at trial to preclude any prejudice from their mention before a jury, given the longstanding rule throughout the courts across the land that they are not admissible due to their subjectivity and questionable reliability. During a discussion of a polygraph given to Eddie Smith by

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¹ SCRPC 3.3(A) states in part "A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer"

two SLED examiners prior to the first trial about the murders, defense counsel Harpootlian stated the following:

I will tell you Mr. Murdaugh passed a polygraph, flying colors. So, um, the same polygrapher. So, it may play a role in this trial.

Video of the proceeding can be found online; and the quoted portion begins at approximately 51:02. When counsel Harpootlian makes the false statement that Defendant Murdaugh passed a polygraph, defense co-counsel can be observed to look at each other in a way that can only be called incredulous, and then start to whisper to one another.²

Defense Counsel's above quoted statements contain a number of verifiably false factual statements that the State is duty bound to correct. First, Defendant **never** submitted to a SLED polygraph before or after the first trial on *any* subject. Second, the two SLED polygraphers who examined Eddie Smith – the "same polygrapher" as defense counsel stated -- never examined Defendant Alex Murdaugh at any time on any subject.

The State has been made aware of an FBI polygraph that was given in October 2023 after the first trial to Defendant. This was not done with the involvement or knowledge of the Attorney General's Office, and that polygraph result was first provided to the State by the FBI today, August 19, 2026. Defendant Alex Murdaugh was examined by the FBI polygrapher in October 2023 **only** as to whether he had hidden other assets, and whether he had told another attorney he was stealing money – financial matters to which pled guilty both in state and federal court. Despite that, Murdaugh failed the FBI polygraph on financial matters with results showing Defendant was trying to use possible countermeasures against the test.

² <https://www.youtube.com/watch?v=C9vmv6xJpss>.

Therefore: despite defense counsel Harpootlian's statement to this very Court on the record: (1) Defendant **never** submitted to a law enforcement polygraph given by the "same polygrapher" at SLED, (2) much less to a polygraph by anyone on the murders, (3) and even though he did take an FBI polygraph **solely** on the financial matters, (4) he failed it. When counsel for the State consulted with the defense co-counsel on the matter yesterday, defense co-counsel admitted they had no knowledge of any basis that would support the defense's statement before this Court that Alex Murdaugh supposedly passed a polygraph on the murders.

Conclusion

The State is now compelled to correct defense counsel's false statements into the record, as it is false as to *each* detail that the Defendant Murdaugh was given much less passed a polygraph on the murders with "flying colors," or that any polygraph was given by the same SLED examiner who examined Eddie Smith, or that he passed any government polygraph as to any subject.³

³ See "the general rule is that no mention of a polygraph test should be placed before the jury." State v. Palmer, 415 S.C. 502, 517-18, 783 S.E.2d 823, 831 (Ct. App. 2016) (quoting State v. Johnson, 376 S.C. 8, 11, 654 S.E.2d 835, 836 (2007)) U.S. Department of Justice, *Criminal Resource Manual* § 259 ("The machine records physical responses which may or may not be connected with an emotional reaction—and that reaction may or may not be related to guilt or innocence.").

Respectfully submitted,

ALAN WILSON
ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

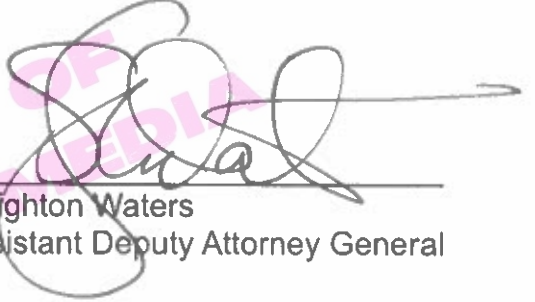
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