

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

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

v.)

PROTECTIVE ORDER

RICHARD ALEXANDER)
MURDAUGH,)

DEFENDANT)

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. 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

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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