

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Apr 03 2025

S.C. SUPREME COURT

COLLETON COUNTY
Court of General Sessions
The Honorable Clifton B. Newman, Circuit Judge

Appellate Case No. 2024-000576

The StateRespondent,

v.

Richard Alexander Murdaugh.....Appellant.

**APPELLANT RICHARD ALEXANDER MURDAUGH'S
RESPONSE IN OPPOSITION TO THE STATE'S MOTION FOR AN EXTENSION TO
SERVE AND FILE ITS RESPONSIVE BRIEF**

Appellant Richard Alexander Murdaugh, through undersigned counsel, hereby replies in opposition to the State's motion for a 120-day extension in which to file its initial responsive brief in this appeal. The State has moved for a second briefing extension of 120 days, making its initial brief in this appeal due on August 10, 2025. Appellant's first requested briefing extension was for 90 days, and his second requested extension was for 120 days. After his initial brief was filed on December 10, 2024, the State first moved for a 90-day extension, to which Appellant consented, and now moves for a 120-day extension. Despite this superficial similarity, the requests are not analogous, and Appellant objects to the State's requested 120-day extension for five reasons:

First, Appellant was required to file his initial brief on the principal issue in this case, Clerk of Court Becky Hill's deliberate jury tampering for personal financial gain, on August 12, 2024.

Order, Case No. 2024-000576 (Aug. 1, 2024).¹ If the State’s requested extension is granted, the State will have been given a *full year* to respond to that brief. Undersigned counsel is unaware of any criminal case—even a capital case—in which a state has been given a full year to respond to a defendant’s appellate brief, whether in South Carolina, some other state, or a federal court.

Second, appellees typically need less time to respond to a brief than an appellant needs to file one because (1) the appellee is responding to arguments developed and presented by the appellant in the first instance, and (2) the appellee typically does some work on the appeal before the appellant files his brief. Here, by contrast, it appears the State did not begin any work in earnest on this appeal until shortly before the expiration of its first requested 90-day extension. *See* Transcript Request dated Mar. 31, 2025 (attached as **Exhibit A**).

Third, the grounds for Appellant’s and the State’s requested extensions are different. Appellant requested his first 90-day extension in this appeal, 2024-000576, due to the length of the transcript. The State also requested its first 90-day extension in this appeal based on the length of the transcript, so Appellant of course did not object to the State’s first requested extension. Appellant requested his second 120-day extension in this appeal because much of counsel’s time since the filing of the notice of appeal was consumed researching and litigating a motion for a new trial based on evidence discovered after trial that an elected state official tampered with the jury during trial because she wanted to profit from writing a book about a guilty verdict, *see* Appellant’s Mot. for Extension, Aug. 2, 2024. That issue was the subject of appeal number 2024-000576, which was consolidated with this appeal over Appellant’s objection *after* Appellant briefed the

¹ The Court of Appeals ordered the brief to be filed on Friday, August 9, 2024, but that date moved to Monday, August 12, 2024, because of Tropical Storm Debby.

issue *seven months ago*. The State, by contrast, requests a second extension for 120 days because it has not been working on this case at all.

Fourth, Appellant appreciates the Office of the Attorney General’s hard work on behalf of South Carolina citizens, but the office has “about 90 attorneys.” See <https://www.scag.gov/about-the-office/meet-the-attorney-general/>. And if those attorneys cannot meet reasonable court deadlines in major cases, they can retain outside counsel to assist. See, e.g., *S.C. Public Interest Found. v. Wilson*, Case No. 2024-000065 (argued Apr. 2, 2025).

Fifth, Appellant respectfully submits there is at least a *prima facie* case that the State is unlikely to prevail in this appeal, which means that delay is likely to prejudice Appellant.² There is no colorable argument that *Remmer v. United States*, 347 U.S. 227 (1954) is not binding authority at least in the Fourth Circuit; there is no colorable argument that *Parker v. Gladden*, 385 U.S. 363 (1966)—the case incorporating the Sixth Amendment right to an impartial jury into the Fourteenth Amendment—is not binding authority everywhere; and the gravity of the jury issues in this case—deliberate jury tampering for personal financial gain by the elected official who administered the oath to the jury—is well beyond the issue that forced vacatur in *Parker* (one offhand comment by a bailiff to one juror), well beyond the issue that was excluded from the *Remmer* presumption in *State v. Green*, 432 S.C. 97, 851 S.E.2d 440 (2020) (a comment by a bailiff that did not concern the merits of the case), and well beyond the issue that recently forced vacatur of Russell Laffitte’s conviction (error to replace a juror with an alternate outside the presence of the defendant’s counsel, see *United States v. Laffitte*, 121 F.4th 472 (4th Cir. 2024)). Thus, unless

² This is why Appellant opposed consolidation of appeals 2024-000392 and 2024-000576. Having won a considerable delay in its obligation to respond to Appellant’s arguments by successfully moving for consolidation, the State now seeks to extend that delay to a full year. Appellant respectfully submits that is unreasonable.

the State has developed an unexpectedly strong counterargument that for some reason it is unwilling to reveal to the Court anytime soon, it is likely Appellant's murder convictions will be overturned, and the requested briefing delay would serve only to delay the relief to which Appellant is entitled.

Appellant therefore respectfully requests the State's motion for another briefing extension be denied.

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