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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Colleton County
Honorable Clifton Newman, Circuit Court Judge
Honorable Jean H. Toal, Retired Chief Justice
Appellate Case No. 2023-000392

THE STATE,

Respondent,

vs.

RICHARD ALEXANDER MURDAUGH,

Appellant.

**MOTION TO EXCEED PAGE LIMITS
FOR INITIAL BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

Following a six-week trial, the appellant, Richard Alexander Murdaugh, was convicted by a jury of his peers of two counts of murder and two counts of possession of a weapon during the commission of a violent crime. The Honorable Clifton Newman, circuit court judge, imposed an aggregate sentence of life without parole. Murdaugh then timely appealed.

While his appeal was pending, Murdaugh sought for his appeal to be suspended so he could file a post-trial motion seeking a new trial. That request was granted, and Murdaugh filed his new trial motion in the circuit court. Ultimately, following an evidentiary hearing conducted

over the course of two days, the Honorable Jean Hoefler Toal, Retired Chief Justice, denied Murdaugh's motion. Murdaugh then timely initiated a second appeal.

Subsequently, this Court certified both Murdaugh's pending appeals pursuant to Rule 204(b) of the South Carolina Appellate Court Rules, and the two appeals were later consolidated. At present, Murdaugh's consolidated appeal is currently pending before this Court.

II.

On December 10, 2024, Murdaugh filed his Initial Brief of Appellant. That brief is 121 pages in length, and, through it, Murdaugh has identified nine issues in his issue statement, including one that, although listed singularly, involves separate challenges to the admission of several distinct items of evidence. (App. Br. pp. 1-2).

On the same date he filed his brief, Murdaugh filed a motion to exceed the page limits. The State consented to Murdaugh's motion, and this Court granted it.

III.

At the State's request, this Court extended the time limits for the filing of the State's Initial Brief of Respondent until today's date, August 8, 2025. Along with this motion, the State is conditionally submitting its Initial Brief of Respondent pending resolution of its request to permit it to exceed the page limits for briefing.

IV.

Pursuant to the mandates of South Carolina Appellant Court Rules, principal briefs in an appeal are typically limited to fifty pages. Rule 208(b)(5), SCACR. However, "[o]n motion, the appellate court may grant a party permission to exceed those limitations." Id.

V.

As previously noted, Murdaugh's trial was conducted over the course of six weeks, and the transcript from that trial is 5,895 pages long. Additionally, the State introduced over 500 exhibits during trial, the defense introduced nearly 200 of its own, and numerous filings were submitted by both sides, with many of those exhibits and filings being directly relevant to the issues raised on appeal.

In addition to that, post-trial hearings were conducted in Murdaugh's case in response to his new trial motion, and the transcripts from those hearings total 336 pages in length. The parties also submitted numerous filings related to the new trial motion, and many of those filings are also relevant to the appeal.

Furthermore, as Murdaugh pointed out in his motion seeking to exceed the page limits, the matter currently before the Court involves two consolidated appeals. Murdaugh's brief is also 121 pages long, and its issue statements lists nine issues that must be addressed by the State in response.

The State has now completed its responsive brief. Although the State has diligently attempted to make its brief as concise as possible under the circumstances involved, the State has prepared a brief that is 164 pages in length, which the State believes is necessary to adequately respond to all the claims raised on all available grounds. Based on the foregoing, the State respectfully move this Court to permit it to exceed the standard page limits set by Rule 208(b)(5) and submit its Initial Brief of Respondent exceeding those limits.

VI.

Prior to filing this motion, the undersigned counsel for the State consulted with counsel for the appellant, and Murdaugh's counsel has indicated he consents to the State's request.

Accordingly, like Murdaugh's earlier motion to exceed the page limits, the State's motion is unopposed.

WHEREFORE, the State prays that the Court allow the page limits for the Initial Brief of Respondent to be extended to approximately 164 pages; accept the State's Initial Brief of Respondent, which is being conditionally submitted along with this motion, as filed; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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August 8, 2025