RECEIVED
Nov 06 2025
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM COLLETON COUNTY
Court of General Sessions

The Honorable Clifton B. Newman, Circuit Judge
The Honorable Jean Hoefer Toal, Chief Justice (Ret.)

Appellate Case No. 2023-000392

THE STATE OF SOUTH CAROLINA,.....RESPONDENT,

v.

RICHARD ALEXANDER MURDAUGH, ...APPELLANT.

RECORD ON APPEAL
VOL. XVI

Richard A. Harpootlian, SC Bar No. 2725
Phillip D. Barber, SC Bar No. 103421
Andrew R. Hand, SC Bar No. 101633
RICHARD A. HARPOOTLIAN, P.A.
Post Office Box 1090
Columbia, SC 29202

James M. Griffin, SC Bar No. 9995
Margaret N. Fox, SC Bar No. 76228
GRIFFIN HUMPHRIES, LLC
Post Office Box 999
Columbia, SC 29202

Attorneys for Appellant

Alan Wilson, Attorney General
Donald J. Zelenka, Deputy Attorney General
Creighton Waters, Senior Assistant Deputy Attorney General
Melody J. Brown, Senior Assistant Deputy Attorney General
Mark R. Farthing, Senior Assistant Deputy Attorney General
Joshua A. Edwards, Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, SC 29211

Attorneys for Respondent

RECORD ON APPEAL INDEX
VOLUME I

ORDERS

Order Granting Motion of State to Admit Evidence of Other Crimes, filed February 6, 2023 ...**1**

ORDERS POST TRIAL

Court of Appeals Order, filed October 17, 2023 ...**7**

Supreme Court Order, filed January 3, 2024...**8**

Circuit Court Order Denying Motion for New Trial, filed April 4, 2024 ...**10**

Supreme Court Order, filed August 13, 2024 ...**35**

Supreme Court Order, filed September 13, 2024...**37**

JUDGMENTS

Judgment (Sentencing Sheets-4), filed March 3, 2023 ...**39**

DECREES

Notice of Alibi Defense, filed November 17, 2022 ...**55**

Notice of Direct Appeal, filed March 9, 2023 ...**57**

Notice of Jury Tampering Appeal, filed April 11, 2024...**59**

INDICTMENTS:

Indictment #2021-GS-15-00592 ...**61**
Indictment #2021-GS-15-00593 ...**63**
Indictment #2021-GS-15-00594 ...**65**
Indictment #2021-GS-15-00595 ...**67**

MOTIONS AND MEMORANDUMS FILED WITH THE LOWER COURT

Motion to Exclude False Testimony About Evidence Destroyed by the State with Exhibits, filed November 23, 2022 ...**69**

Motion for Bill of Particulars, filed December 7, 2022...**164**

State's Response in Opposition to Defendant's Motion for a Bill of Particulars; and State's Motion to Admit Evidence of Motive, filed December 8, 2022...**173**

Memorandum in Opposition to Motion in Limine re: Evidence of Other Crimes and Bad Acts, filed December 19, 2022...**196**

Reply to Defendant's Memorandum in Opposition to State's Motion in Limine to Admit Evidence of Motive, filed December 28, 2022 ...**215**

Motion in Limine to Preclude or Limit Firearm Ballistic Opinion Testimony, or Alternatively, for a *Council* Hearing, filed January 23, 2023 ..... **233**

State's Response to Motion to Preclude or Limit Firearms Ballistics Evidence, filed January 24, 2023 ..... **255**

MOTIONS AND MEMORANDUMS FILED POST TRIAL

Motion to Suspend Appeal and for Leave to File a Motion for New Trial, filed September 5, 2023 ..... **270**

Return to Motion to Suspend Appeal and Leave to File Motion for a New Trial., filed September 15, 2023 ..... **333**

Reply to the State's Return to Appellant's Motion to Suspend Appeal and for Leave to File Motion for New Trial, filed September 21, 2023 ..... **337**

Motion for New Trial, filed October 27, 2023 ..... **345**

State's Response to Defendant's Motion for a New Trial; and State's Motions to Strike, filed November 6, 2023 ..... **418**

Defendant's Pre-Hearing Brief RE: Motion for a New Trial, filed January 3, 2024 ..... **466**

VOLUME II

MOTIONS AND MEMORANUMS FILED POST TRIAL, CONTINUED

Defendant's Pre-Hearing Brief RE: Motion for a New Trial, filed January 3, 2024, Cont. **483**

State's Pre-Hearing Brief in Opposition to Defense Motion for a New Trial, filed January 3, 2024 ..... **490**

Defendant's Supplemental Pre-Hearing Brief, filed January 10, 2024 ..... **497**

State's Revised Pre-Hearing Brief in Opposition to Defense Motion for a New Trial, filed January 10, 2024 ..... **529**

Defendant's Second Supplemental Pre-Hearing Brief, filed January 12, 2024 ..... **560**

Defendant's Reply to the State's Pre-Hearing Brief, filed January 15, 2024 ..... **592**

Motion to Certify to the Supreme Court with exhibits, filed July 10, 2024 ..... **611**

VOLUME III

MOTIONS AND MEMORANDUMS FILED POST TRIAL, CONTINUED

Motion to Certify to the Supreme Court with exhibits, filed July 10, 2024, Continued **967**

TRANSCRIPTS

Trial Transcript (January 23-March 3, 2023), Pages 1-5894[1]
Jury Voir Dire – Panel One.....**1286**
Jury Voir Dire – Panel Two.....**1333**
Jury Voir Dire – Panel Three **1387**
Jury Voir Dire _ Panel Four.....**1426**

VOLUME IV

TRANSCRIPTS, CONTINUED

Jury Voir Dire _ Panel Four, Continued.....**1449**
Pre–Trial Hearing – Witness Paul Greer
Voir Dire Examination by Mr. Fernandez **1546**
Direct Examination by Mr. Fernandez **1563**
Cross-examination by Mr. Griffin.....**1576**
Jury Selection.....**1631**
Opening Statement by Mr. Waters.....**1652**
Opening Statement by Mr. Harpootlian.....**1670**

State's Case In Chief

Daniel Greene
Direct Examination by Mr. Waters **1692**
Cross-examination by Mr. Harpootlian.....**1735**
Redirect Examination by Mr. Waters.....**1762**
Recross-examination by Mr. Harpootlian **1767**
Chad McDowell
Direct Examination by Mr. Waters **1769**
Cross-examination by Mr. Harpootlian.....**1785**
Redirect Examination by Mr. Waters.....**1797**
Tinish Bryson-Smith
Direct Examination by Ms. Goude.....**1801**
Cross-examination by Mr. Harpootlian.....**1805**
Amanda Stallings
Direct Examination by Ms. Goude.....**1806**
Barry McRoy
Direct Examination by Ms. Goude.....**1811**
Cross-examination by Mr. Harpootlian.....**1818**

[1] At present, the following portions of the trial transcript appear to remain under seal: (1) 5526:24 – 5544:12; 5550: 23 – 5563:1; and 5669:4 – 5737:13.

Jason Chapman
Direct Examination by Mr. Fernandez....1825
Cross-examination by Mr. Harpootlian....1878
Redirect Examination by Mr. Fernandez....1906
Laura Rutland
Direct Examination by Mr. Meadors....1913

VOLUME V

TRANSCRIPTS, CONTINUED

Laura Rutland, Continued
Direct Examination by Mr. Meadors, Continued....1932
Cross-examination by Mr. Griffin....1946
Redirect Examination by Mr. Meadors....1970
Recross-examination by Mr. Griffin....1976
Delila Ciricinone
Direct Examination by Ms. Goude....1977
Cross-examination by Mr. Harpootlian....1984
Melinda Worley
Voir Dire Examination by Ms. Goude....1989
Direct Examination by Ms. Goude....1992
Cross-examination by Mr. Harpootlian....2074
Redirect Examination by Ms. Goude....2132
Recross-examination by Mr. Harpootlian....2138
Jeff Croft
Direct Examination by Mr. Waters....2143
Cross-examination by Mr. Griffin....2235
Redirect Examination by Mr. Waters....2281
Recross-examination by Mr. Griffin....2298
Anthony Kniche
Direct Examination by Mr. Conrad....2301
Cross-examination by Mr. Harpootlian....2329
Redirect Examination by Mr. Conrad....2338
Recross-examination by Mr. Harpootlian....2339
Paul McManigal
Direct Examination by Mr. Conrad....2342
Cross-examination by Mr. Barber....2348
Jonathan VanHouten
Direct Examination by Mr. Conrad....2349

John Bedingfield
Direct Examination by Mr. Waters....2368
Cross-examination by Mr. Griffin....2388
Redirect Examination by Mr. Waters....2396
David Britton Dove
Voir Dire Examination by Mr. Conrad....2399

Direct Examination by Mr. Conrad.....**2405**

VOLUME VI

TRANSCRIPTS, CONTINUED

David Britton Dove, Continued
Direct Examination by Mr. Conrad, Continued.....**2415**
Cross-examination by Mr. Barber.....**2554**
Redirect Examination by Mr. Conrad.....**2600**
Recross-examination by Mr. Barber.....**2612**
Dathan Varnadoe
Direct Examination by Mr. Meadors.....**2615**
Cross-examination by Mr. Griffin.....**2632**
Redirect Examination by Mr. Meadors.....**2637**
Rogan Gibson
Direct Examination by Mr. Waters.....**2638**
Cross-examination by Mr. Griffin.....**2676**
Redirect Examination by Mr. Waters.....**2696**
Will Loving
Direct Examination by Mr. Waters.....**2703**
Cross-examination by Mr. Griffin.....**2727**
Redirect Examination by Mr. Waters.....**2741**
Heidi Galore
Direct Examination by Mr. Conrad.....**2758**
Cross-examination by Mr. Barber.....**2765**
Jeannie Seckinger (*In-Camera* Hearing)
Direct Examination by Mr. Waters.....**2769**
Cross-examination by Mr. Griffin.....**2837**
Redirect Examination by Mr. Waters.....**2856**

VOLUME VII

TRANSCRIPTS, CONTINUED

Dylan Hightower
Direct Examination by Mr. Conrad.....**2873**
Cross-examination by Mr. Harpootlian.....**2908**
Redirect Examination by Mr. Conrad.....**2925**
Katie McCallister
Direct Examination by Ms. Goude.....**2928**
Cross-examination by Mr. Harpootlian.....**2935**
Michael Gunn (*In-Camera* Hearing)
Direct Examination by Mr. Waters.....**2940**
Cross-examination by Mr. Griffin.....**2956**
James C. Wilson (*In-Camera* Hearing)
Direct Examination by Mr. Waters.....**2957**
Jan Malinowksi (*In-Camera* Hearing)
Direct Examination by Mr. Waters.....**3010**

Cross-examination by Mr. Griffin....**3038**
Redirect Examination by Mr. Waters....**3045**
Re-cross examination by Mr. Griffin....**3049**
Michael Tony Satterfield (*In-Camera Hearing*)
Direct Examination by Mr. Waters....**3051**
Cross-examination by Mr. Griffin....**3062**
Carson Burney (*In-Camera* Hearing)
Direct Examination by Mr. James....**3063**
Tom Darnell
Voir Dire Examination by Ms. Goude....**3082**
Direct Examination by Ms. Goude....**3084**
Cross-examination by Mr. Harpootlian....**3194**
Redirect Examination by Ms. Goude....**3105**
Blake Johnson
Direct Examination by Ms. Goude....**3107**
Lawrence Wiggins
Direct Examination by Ms. Goude....**3109**
Chandler Horney
Direct Examination by Ms. Goude....**3111**
Jomar Albayalde
Direct Examination by Ms. Goude....**3113**
Paul Greer
Voir Dire Examination by Mr. Fernandez....**3117**
Direct Examination by Mr. Fernandez....**3124**
Cross-examination by Mr. Griffin....**3184**
Redirect Examination by Mr. Fernandez....**3222**
Mark Tinsley (*In-Camera* Hearing)
Direct Examination by Mr. Waters....**3235**
Cross-examination by Mr. Griffin....**3254**
Redirect Examination by Mr. Waters....**3287**
Ronnie Crosby (*In-Camera* Hearing)
Direct Examination by Mr. Waters....**3294**
Cross-examination by Mr. Griffin....**3298**
Mushelle Shelley Smith
Direct Examination by Mr. Meadors....**3313**

VOLUME VIII

TRANSCRIPTS, CONTINUED

Mushelle Shelley Smith, Continued
Cross-examination by Mr. Griffin....**3355**
Redirect Examination by Mr. Meadors....**3368**
Recross-examination by Mr. Griffin....**3384**
Kristin Moore
Direct Examination by Ms. Goude....**3388**
Cross-examination by Mr. Griffin....**3395**

Redirect Examination by Ms. Goude **3400**
William McElveen
Direct Examination by Mr. Fernandez **3402**
Cross-examination by Mr. Griffin **3413**
Natasha Moodie
Direct Examination by Mr. James **3425**

Jamie Hall
Direct Examination by Mr. Meadors **3429**
Cross-examination by Mr. Griffin **3454**
Jeannie Seckinger
Direct Examination by Mr. Waters **3475**
Cross-examination by Mr. Griffin **3489**
Redirect Examination by Mr. Waters **3610**
Recross-examination by Mr. Griffin **3614**
Ronnie Crosby
Direct Examination by Mr. Waters **3617**
Cross-examination by Mr. Griffin **3651**
Redirect Examination by Mr. Waters **3666**
Megan Fletcher
Voir Dire Examination by Mr. Meadors **3668**
Direct Examination by Mr. Meadors **3674**
Cross-examination by Mr. Griffin **3714**
Redirect Examination by Mr. Meadors **3730**
Recross-examination by Mr. Griffin **3734**
Annette Griswald
Direct Examination by Mr. Waters **3735**
Cross-examination by Mr. Griffin **3784**
Redirect Examination by Mr. Waters **3796**
Michael Gunn
Direct Examination by Mr. James **3798**
Cross-examination by Mr. Griffin **3816**
Brian Hudak
Direct Examination by Mr. Conrad **3821**
Dwight Falkofske
Voir Dire Examination by Mr. Conrad **3829**

VOLUME IX

TRANSCRIPTS, CONTINUED

Dwight Falkofske, Continued
Direct Examination by Mr. Conrad **3833**
Cross-examination by Mr. Barber **3877**
Cross-examination by Mr. Barber Resumed **3883**
James C. Wilson
Direct Examination by Mr. Waters **3889**

Proffered Examination by Mr. Waters **3964**
Direct Examination by Mr. Waters Resumed **3967**
Cross-examination by Mr. Griffin **3979**
Redirect Examination by Mr. Waters **4026**
Michael Tony Satterfield
Direct Examination by Mr. Waters **4045**
Cross-examination by Mr. Harpootlian **4067**
Redirect Examination by Mr. Waters **4072**
Jan Malinowski
Direct Examination by Mr. Waters **4074**
Cross-examination by Mr. Griffin **4114**
Redirect Examination by Mr. Waters **4126**
Recross-examination by Mr. Griffin **4128**
Mark Tinsley
Direct Examination by Mr. Waters **4128**
Direct Examination by Mr. Waters Resumed **4171**
Cross-examination by Mr. Barber **4183**
Redirect Examination by Mr. Waters **4185**
Blanca Turrubiate-Simpson
Direct Examination by Mr. Meadors **4189**
Proffered Examination by Mr. Meadors **4293**
Direct Examination by Mr. Meadors Resumed **4296**
Cross-examination by Mr. Harpootlian **4301**
Proffered Examination by Mr. Harpootlian **4314**

VOLUME X

TRANSCRIPTS, CONTINUED

Blanca Turrubiate-Simpson, Continued
Proffered Examination by Mr. Harpootlian, Continued **4315**
Cross-examination by Mr. Harpootlian Resumed **4322**
Redirect Examination by Mr. Meadors **4336**
Recross-examination by Mr. Harpootlian **4340**
Belinda Rast
Direct Examination by Mr. Fernandez **4344**
Cross-examination by Mr. Harpootlian **4353**
Matthew Wild
Voir Dire Examination by Mr. Conrad **4356**
Direct Examination by Mr. Conrad **4361**
Cross-examination by Mr. Barber **4413**
Redirect Examination by Mr. Conrad **4419**
Nathan Tuten
Direct Examination by Mr. Fernandez **4421**
Cross-examination by Mr. Griffin **4444**
Redirect Examination by Mr. Fernandez **4452**

Ryan Kelly
Direct Examination by Ms. Goude....**4472**
Rachel Nguyen
Voir Dire Examination by Ms. Goude....**4476**
Direct Examination by Ms. Goude....**4480**
Cross-examination Mr. Barber....**4504**
Sara Zapata
Voir Dire Examination by Ms. Goude....**4516**
Direct Examination by Ms. Goude....**4520**
Cross-examination by Mr. Barber....**4571**
Redirect Examination by Ms. Goude....**4604**
Recross-examination by Mr. Barber....**4606**
Ellen Riemer
Voir Dire Examination by Mr. Waters....**4608**
Direct Examination by Mr. Waters....**4612**
Cross-examination by Mr. Harpootlian....**4671**
Redirect Examination by Mr. Waters....**4726**
Recross-examination by Mr. Harpootlian....**4733**
Devon P. Newell
Direct Examination by Mr. Conrad....**4737**
Cross-examination by Mr. Barber....**4743**
Roger Dale Davis
Direct Examination by Mr. Fernandez....**4745**
Cross-examination by Mr. Griffin....**4768**
Redirect examination by Mr. Fernandez....**4779**
Carson Burney
Voir Dire Examination by Mr. James....**4782**

VOLUME XI

TRANSCRIPTS, CONTINUED

Carson Burney, Continued
Direct Examination by Mr. James....**4785**
Cross-examination by Mr. Griffin....**4897**
Redirect Examination by Mr. James....**4802**
Marian Proctor
Direct Examination by Mr. Waters....**4805**
Cross-examination by Mr. Griffin....**4822**
Redirect Examination by Mr. Waters....**4836**
Redirect Examination by Mr. Waters Resumed....**4853**
Barton Proctor
Direct Examination by Mr. Waters....**4857**
Cross-examination by Mr. Griffin....**4858**
David Owen
Direct Examination by Mr. Meadors....**4885**
Cross-examination by Mr. Griffin....**4966**

Redirect Examination by Mr. Meadors **4994**
Recross-examination by Mr. Griffin **5012**
David Grubbs
Voir Dire Examination by Mr. Conrad **5015**
Direct Examination by Mr. Conrad **5018**
Kenneth L. Kinsey
Voir Dire Examination by Mr. Waters **5052**
Direct Examination by Mr. Waters **5061**
Cross-examination by Mr. Harpootlian **5117**
Redirect Examination by Mr. Waters **5156**
Recross-examination by Mr. Harpootlian **5159**
Ryan Kelly
Direct Examination by Mr. Waters **5162**
Cross-examination by Mr. Harpootlian **5190**
Redirect Examination by Mr. Waters **5207**
Recross-examination by Mr. Harpootlian **5214**
Peter Rudofski
Direct Examination by Mr. Waters **5223**

VOLUME XII

TRANSCRIPTS, CONTINUED

Peter Rudofski, Continued
Direct Examination by Mr. Waters, Continued **5268**
Cross-examination by Mr. Barber **5333**
Redirect Examination by Mr. Waters **5378**
Recross-examination by Mr. Barber **5381**

The Defense Case

Richard Harvey
Direct Examination by Mr. Harpootlian **5392**
Cross-examination by Mr. Zelenka **5400**
Redirect Examination by Mr. Harpootlian **5403**
Shalene Tindal
Direct Examination by Mr. Harpootlian **5405**
Cross-examination by Mr. Meadors **5413**
Redirect Examination by Mr. Harpootlian **5414**
Richard A. Murdaugh, Jr.
Direct Examination by Mr. Griffin **5423**
Cross-examination by Mr. Meadors **5488**
Redirect Examination by Mr. Griffin **5499**
Michael Sutton
Voir Dire Examination by Mr. Harpootlian **5500**
Direct Examination by Mr. Harpootlian **5509**
Cross-examination by Mr. Fernandez **5596**

Redirect Examination by Mr. Harpootlian **5664**
Recross-examination by Mr. Fernandez **5678**
Mark Ball
Direct Examination by Mr. Griffin **5687**
Cross-examination by Mr. Waters **5720**

VOLUME XIII

TRANSCRIPTS, CONTINUED

Mark Ball, Continued
Cross-examination by Mr. Waters, Continued **5751**
Redirect Examination by Mr. Griffin **5764**
Recross-examination by Mr. Waters **5775**
Morris D. Cooke, Jr.
Direct Examination by Ms. Fox **5778**
Cross-examination by Mr. Waters **5789**
Redirect Examination by Ms. Fox **5795**
Recross-examination by Mr. Waters **5796**
Kenneth Zercie
Voir Dire Examination by Mr. Harpootlian **5797**
Direct Examination by Mr. Harpootlian **5804**
Cross-examination by Mr. Meadors **5845**
Redirect Examination by Mr. Harpootlian **5874**
Recross-examination by Mr. Meadors **5878**
Barbara Mixon
Direct Examination by Mr. Griffin **5880**
Cross-examination by Mr. Meadors **5888**
Micah Sturgis
Voir Dire Examination by Mr. Barber **5890**
Direct Examination Mr. Barber **5895**
Cross-examination by Mr. Conrad **5917**
Redirect Examination by Mr. Barber **5932**
Recross-examination by Mr. Conrad **5936**
Nolen Tuten
Direct Examination by Ms. Fox **5950**
Cross-examination by Mr. Fernandez **5957**
Redirect Examination by Ms. Fox **5977**
Richard A. Murdaugh
Direct Examination by Mr. Griffin **5979**
Cross-examination by Mr. Waters **6086**
Cross-examination by Mr. Waters Resumed **6178**

VOLUME XIV

TRANSCRIPTS, CONTINUED

Richard A. Murdaugh, Continued
Cross-examination by Mr. Waters Resumed, Continued **6234**
Redirect Examination by Mr. Griffin **6350**
Re-cross examination by Mr. Waters **6365**
Jonathon Eisenstat
Voir Dire Examination by Mr. Harpootlian **6379**
Direct Examination by Mr. Harpootlian **6391**
Cross-examination by Ms. Goude **6444**
Timonthy Palmbach
Voir Dire Examination by Mr. Griffin **6452**
Direct Examination by Mr. Griffin **6458**
Cross-examination by Ms. Goude **6505**
John Marvin Murdaugh
Direct Examination by Mr. Griffin **6512**
Proffered Examination by Mr. Griffin **6568**
Direct Examination by Mr. Griffin, Continued **6570**
Cross-examination by Mr. Conrad **6572**

The State's Rebuttal Case

Ronnie Crosby
Direct Examination by Mr. Waters **6597**
Cross-examination by Mr. Harpootlian **6608**
Redirect Examination by Mr. Waters **6610**
Recross-examination by Mr. Harpootlian **6622**
Ellen Riemer
Direct Examination by Mr. Waters **6623**
Cross-examination by Mr. Harpootlian **6636**
Redirect Examination by Mr. Waters **6672**
Thomas C. Smalls
Direct Examination by Mr. Waters **6674**
Cross-examination by Mr. Griffin **6676**
Redirect examination by Mr. Waters **6679**
Paul McManigal
Voir Dire Examination by Mr. Conrad **6680**
Direct Examination by Mr. Conrad **6682**
Cross-examination by Mr. Barber **6687**
Redirect Examination by Mr. Conrad **6697**
Recross-examination by Mr. Barber **6699**
Mark Ball
Direct Examination by Mr. Waters **6701**
Cross-examination by Mr. Griffin **6706**
Redirect Examination by Mr. Waters **6716**

VOLUME XV

TRANSCRIPTS, CONTINUED

Mark Ball, Continued
Recross-examination by Mr. Griffin **6717**
Kenneth L. Kinsey
Direct Examination by Mr. Wilson **6724**
Cross-examination by Mr. Griffin **6767**
Redirect Examination by Mr. Wilson **6807**
In-camera Hearing **6811**
In-camera Hearing **6835**
Closing Argument by Mr. Waters **6871**
In-camera Hearing **6954**
Closing Argument by Mr. Griffin **7030**
Final Closing Argument by Mr. Meadors **7102**
Jury Charge **7137**
Verdict **7155**
Jury Polling **7157**
Sentence of the Court **7177**
Certificate Page **7180**

Post-Trial Hearing Transcript (January 16, 2024) **7181**

VOLUME XVI

TRANSCRIPTS, CONTINUED

Post-Trial Hearing Transcript (January 16, 2024), Continued **7200**

Evidentiary Hearing Transcript (January 26 and January 29, 2024) **7261**
Juror X — Examination by the Court **7279**
Examination by the Court Resumes **7283**
Juror Z — Examination by the Court **7304**
Examination by the Court Resumes **7311**
Juror C — Examination by the Court **7323**
Juror F — Examination by the Court **7325**
Examination by the Court Resumes **7329**
Juror L — Examination by the Court **7330**
Juror E — Examination by the Court **7333**
Juror P — Examination by the Court **7335**
Juror O — Examination by the Court **7339**
Juror Y — Examination by the Court **7342**
Juror W — Examination by the Court **7345**
Juror Q — Examination by the Court **7348**
Juror K — Examination by the Court **7351**

Rebecca Hill
Direct Examination by Mr. Waters **7365**
Cross-examination by Mr. Harpootlian **7374**
Redirect Examination by Mr. Waters **7402**
Examination by the Court **7406**
Further Direct Examination by Mr. Waters **7416**
Further Cross-examination by Mr. Harpootlian **7420**
Rhonda McElveen
Direct Examination by Mr. Harpootlian **7434**
Cross-examination by Mr. Waters **7450**
Redirect Examination by Mr. Harpootlian **7458**
Alternate Juror
Direct Examination by Mr. Harpootlian **7461**
Cross-examination by Mr. Meadors **7466**
Redirect Examination by Mr. Harpootlian **7485**
Closing Argument by Mr. Waters **7590**
Closing Argument by Mr. Griffin **7500**
Ruling of the Court **7508**
Certificate Page **7516**

EXHIBITS

State Exhibits (Trial)

#1 – Recording (Placeholder) – UNDER SEAL **7517**
#6 – Recording (Placeholder) – UNDER SEAL **7518**
#9 – 911 Call recording (Placeholder) **7519**
#11 – 911 Call recordings (Placeholder) **7520**
#22 – Photograph of scene **7521**
#27 – Photograph of feed room **7523**
#77 – Crime scene diagram **7325**
#88 – PSA 300 Blackout Rifle (Placeholder) **7527**
#89 – Mossberg Shotgun w/ 1 shotshell - buck mark (Placeholder) **7528**
#90 – Browning Auto-5 Shotgun (Placeholder) **7529**
#91 – Benelli Super Black Eagle 2 Shotgun w/ 2 shotshells (Placeholder) **7530**
#93 – Photograph of Chevrolet Suburban **7531**
#117 – Photograph of gun room – rack & ammo **7533**
#118 – Photograph of gun rack **7535**
#153 – Interview recording **7537**
#163 – Photograph of Croft BWC .300 Blackout on pool table **7538**
#224 – Photograph of tarp in bin **7540**
#225 – Photograph of raincoat **7542**
#227 – Map **7544**
#228 – Photograph of Maggie's phone in woods **7546**
#239 – Photograph of house (drone) **7548**
#243 – Interview recording (Placeholder) **7550**
#297 – Kennel recording (Placeholder) **7551**
#306 – Snapchat recording (Placeholder) **7552**

#312 – Check with documents **7553**
#313 – Faris check **7575**
#314 – Spreadsheet **7578**
#315 – Disbursement documents **7581**
#316 – Disbursement documents **7586**
#317 – Disbursement documents **7592**
#318 – Disbursement documents **7600**
#319 – Disbursement documents **7606**
#320 – Disbursement documents **7612**
#321 – Disbursement documents **7621**
#322 – Disbursement documents **7636**
#323 – Disbursement documents **7654**
#324 – Disbursement documents **7662**

VOLUME XVII

EXHIBITS, CONTINUED

State Exhibits (Trial), Continued

#325 – Disbursement documents **7672**
#326 – Disbursement documents **7684**
#327 – Disbursement documents **7689**
#328 – Disbursement documents **7696**
#329 – Spreadsheet **7701**
#330 – Disbursement documents **7703**
#331 – Disbursement documents **7732**
#332 – Disbursement documents **7736**
#333 – Disbursement documents **7739**
#334 – Disbursement documents **7763**
#335 – Bank of American banking statement **7795**
#347 – Checks **7802**
#349 – Message **7807**
#350 – Promissory Note **7809**
#352 – Confession of Judgment **7811**
#356 – Account Statement **7819**
#358 – Wire Request **7821**
#360 – Check **7824**
#365 – Bank Memo **7826**
#366 – Bank summary **7828**
#367 – Bank statement **7830**
#368 – Bank statement **7833**
#370 – Bank statement **7836**
#371 – Bank statement **7839**
#400 – SLED Firearms report **7844**
#407 – Email **7855**
#410 – Photograph **7857**
#411 – Photograph of raincoat in closet **7859**

#414 – Photograph of Almeda closet **7861**
#415 – Bank records **7863**
#416 – Bank records **7864**
#417 – Bank records **7865**
#428 – Checks **7866**
#429 – Disbursement documents **7870**
#430 – Photograph of raincoat **7880**
#442 – Log file excerpts **7882**
#453 – Text messages **7887**
#454 – Phone records **7889**
#515 – Disc of GM search warrant return (Placeholder) **7891**
#516 – Photograph **7892**
#517 – Interview recording (Placeholder) **7894**
#519 – Timeline report **7895**
#520 – Timeline report **7939**
#521 – Spreadsheets **8028**
#523 – Text message **8030**
#524 – Vehicle report **8032**
#543 – 911 call recordings **8092**
#545 – Recording **8093**
#547 – Sketch **8094**
#552 – Interview recording **8096**
#553 – Extraction document **8097**
#556 – Text messages **8099**
#569 – Photograph of Alex at hospital with badge **8101**

Defense Exhibits (Trial)
#4 – Crime scene sketch **8103**
#61 – Birthday Party recording (Placeholder) **8104**
#86 – Blue tarp (Placeholder) **8105**
#87 – Photograph of blue tarp/rain jacket **8106**
#95 – Memo **8108**
#122 – Photograph of Murdaugh Family **8133**
#123 – Photograph of Murdaugh Family **8135**
#130 – Photograph of Almeda back door **8137**
#131 – Photograph of Almeda backyard **8139**
#132 – Photograph of Almeda backyard **8141**
#133 – Photograph of Almeda back door **8143**
#134 – Photograph of Almeda back door **8145**
#135 – Photograph of cars parked at Almeda **8147**
#136 – Photograph of Almeda back door **8149**

VOLUME XVIII

EXHIBITS

Defense Exhibits (Trial), Continued
#140 – PowerPoint **8151**

#156 – Steps **8263**
#158 – PowerPoint **8265**

Court Exhibit (Trial)
#1 – SLED Firearms report **8297**

Court Exhibits (Post-Trial)
#1 – Message **8307**
#3 – Affidavit **8308**
#4 – Note **8310**
#5 – Affidavit **8311**

Defense Exhibits (Post-Trial):
#1 – Proffer and Affidavit **8313**
#2 – Emails **8316**

OTHER
January 24, 2024, Law Clerk Email Concerning Questions for Jurors and January 25, 2024, Responsive Email from Creighton Waters **8320**

Letter from Richard A. Harpootlian to Ret. Chief Justice Toal (with attachment), dated January 25, 2024 ..... **8323**

Affidavit of Juror Z, January 29, 2024 ..... **8330**

State's Closing Argument PowerPoints from Trial **8331**

circumstances. And if it's presumed under the circumstances, what does the State have to rebut? And, and so, you know, prejudice is a touchstone, but the question is evidentiary presumption. Here where there is a third-party communication that goes to the merits of the case, the law is crystal clear that there is a presumption of prejudice, and the State has the burden of proving it's harmless beyond a doubt.

THE COURT: Thank you, sir.

MR. GRIFFIN: Thank you.

THE COURT: All right, Mr. Waters, you know, I'm not going to go back and forth a million times, but if you want to have a short comment in addition.

MR. WATERS: Very short, Your Honor. He said that these were not external influence cases, and every one of them that I listed was. Your Honor, *Blake* was bailiff. *Kelly* a pamphlet. Again, it was an external piece of information coming in. *Grovenstein*, it was an alternate; again, that's an external influence. *Bryant* was police investigation. *Pittman* was a bartender and a wife's comment. *Green* was a bailiff, and so -- and *Covington* was, you know, evidence that was not submitted at trial but the jurors were aware of. So, clearly all of those were external influence cases, Your Honor.

THE COURT: All right. I do not regard *State v.*

Cameron as the guidance that needs to be used by me in making a determination about this case. It's a Court of Appeals case. Since that case in 1993, there have been several cases, including *Green*, *Aldret*, and others, that very specifically talk about this issue of what the burden is on a motion for a new trial on the basis of after-discovered evidence that involves tampering or alleged tampering of the jury.

All those cases say that prejudice must be proved, not presumed, and it may very well be that that is what's going to be shown. But for purposes of what the defendant must show as the case goes forward to an evidentiary hearing, the presumption simply by the contact -- which we don't have any sworn evidence about except in the area of one juror at this time -- presumption is not the way to examine this issue, but rather specific evidence about what was said, when it was said, and how it was perceived by the juror is what I believe is required by *State v. Green* and other cases. And, therefore, that is the approach I will take.

All right, the next area of inquiry is the procedural argument of the State that this matter was untimely made.

Mr. Waters.

MR. WATERS: Yes, ma'am, Your Honor, and again we have raised the issue, as we talked about earlier, that we

believe that there is at least an inquiry as to a procedural bar that if the defense was aware of these allegations during the ten days, then it is not after-discovered evidence and the motion is untimely.

And additionally we also, as I previously expressed, would raise the issue that affidavits on their face are insufficient to put in play at an evidentiary hearings, and there are multiple cases that have -- in the State that held -- I think *Yarborough* is one of those -- that held that where those -- that showing was not made, that the trial court properly denied an evidentiary hearing. So, we would just preserve those issues, understanding the Court's plan, procedure that you previously expressed.

THE COURT: All right. All right, Mr. Griffin or Mr. Harpootlian, let me say, I will say to the defense -- I mean, to the State that I believe that issue needs further exploration. So, I am not prepared to rule that this matter is untimely in the least. We're going to have a hearing on this matter at which time this issue will be further explored. So, the State has preserved its position, but you need not argue about that matter at this time.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: And now the matter that, to me, is the heart and soul of what we're doing today is the witnesses,

the exhibits, and procedure needed with respect to the witnesses. And the witnesses at least are the jurors and the clerk of court, Ms. Hill. What I'd like each side to explore with me is how those witnesses should be presented, who should present them, and how they should be questioned, and whether there are any brackets or limitations that should be imposed on what these witnesses are asked. And I will begin with the jurors, which is really the heart and soul of the matter. Other witnesses are very secondary to the first issue, which is the jurors themselves.

Mr. Harpootlian, you are the moving party, and you may proceed.

MR. HARPOOTLIAN: Your Honor, we agree all twelve jurors should testify. We -- I think both sides agree Your Honor should question those jurors.

The only question is -- I mean, not the only question. The first question would be as Your Honor questions these jurors, would you -- would you -- in all the cases the judge questions, would you want suggestions from us as to what additional questions we have after they respond to your questions, raise additional questions? That's number one.

Number two, each one of these jurors except -- of the original twelve, I think all have been interviewed. Maybe two have not been interviewed by SLED and given statements,

recorded statements. The rest have all given recorded statements, and then SLED prepared a memorandum of interview. We have reviewed all these videos and the MOI, and I can tell the court that the MOIs aren't consistent in many instances with what was said on the video to the extent that information was left out.

Now, if Your Honor is going to be very restrictive and, and did the clerk communicate something to you and did it affect your decision, I guess that's what we're hearing from Your Honor when you're following *State v. Green*. If you're going to say that, ask those questions, I mean, there's some of these jurors who indicated they heard the clerk say what the, the, the juror that gave the affidavit for us say, and I think they're going to say it didn't affect them, which is fine. If it affected that one juror, we think that's enough, and that juror has obviously given an affidavit to us.

The alternate which was excused and the -- he called her the egg lady, but she was also excused: the alternate because she wasn't needed, the egg lady because the judge found that she had had contact with people and discussed the case. They further indicated that the clerk said what we say she said, and we believe they should be examined. We'll be happy to do that, or the Court could do that.

So, there are witnesses, and then we have the clerk

herself. I talked to her lawyer this morning, who indicated she has not made a decision as to whether or not she will assert any constitutional right not to testify, and obviously that could be on a question-by-question basis maybe. I don't know. I mean, we're not ready to argue what the standard is on the Fifth Amendment at this point. But if she does testify, there are literally thousands of emails we were furnished last week by Colleton County, some information furnished by SLED this morning, and the attorney general which might be utilized. I can't say right now it would or wouldn't, depending on her answer, to impeach, contradict. And so it's, it's -- I can't tell you what exhibits it would be or we would do because I don't know what her answers are going to be.

We believe we should be able to examine her as a hostile witness. We, we should be able to call her as a witness because the burden is on us, as Your Honor has just enunciated.

Now, the only other thing I would say is this. Even if Your Honor determines that a piece of evidence or a question is not admissible for your consideration, for purposes of the appellate record, we believe we ought to be able to make a proffer. So, it may be that you allow -- Your Honor allows us to go forward and then in your decision decide it's not relevant, in your decision decide

you didn't consider it or whatever, but stop and go is going to elongate that hearing dramatically. And again, since you're the finder of fact, you can decide not what a jury is going to hear but what you, you -- it matters to you.

So, we think the examination of the clerk should be wide open, and we think that the exhibits we would use to impeach her, we would attempt to keep it relevant to the specific issues in this case.

I mean, her son has been -- for instance, her son has been indicted for, for wiretapping. There seems to be some inference, what we read in the paper -- we don't have any specific knowledge -- that she was aware of that, and that wiretapping was in relation to some ethics complaint about her. That's not relevant; we're not going to ask her about that. Now, we're continuing to examine whether or not there is some connection there, and we're, we're investigating that. But at this point, I will tell you that's not where we're going.

Where we are going, by way of example, is we have been furnished an email that she, she got on February 24th from somebody which was a photo, a screenshot of a, a -- looks like a posting on some sort of Facebook page where the ex-husband of a juror -- not the egg lady -- alleges that his ex-wife was talking about the case, and she was going

to vote guilty because she hates men.

Now, we, we know she got it. We know she got it on February 24th, yet on the morning of February 27th she tells in the -- in the chambers, the hearing we were all present at, that she had seen a Facebook page posting by egg lady's ex-husband alleging that she was talking about the case. She didn't think he was guilty. That Facebook page has never been produced, and then she produced a, a Facebook posting she said by the egg lady's husband. Turns out to be a guy I interviewed in Georgia apologizing for what he had posted on Friday night which concerned his wife's aunt meddling in their marriage. I think that's fertile ground for cross-examination. Your Honor may disagree with me, but I still would like to put those items into evidence for the appellate record at the time.

The last thing I would say is this. In terms of Your Honor questioning the jurors, we need instructions from you as to whether you want -- when you finish with a juror, do you want us to submit questions to you? Do you want -- I doubt you're going to let us question them. How is that process going to work, and will that be done someplace -- would be done in this courtroom? Will be done somewhere else? And if the jurors will be questioned outside of this courtroom, will there be a way for the public to hear what they have to say?

Beg the court's indulgence.

(A PAUSE.)

MR. HARPOOTLIAN: Beg the court's indulgence.

(A PAUSE.)

MR. HARPOOTLIAN: And Mr. Griffin correctly points out it's not just what they heard, may have heard from the clerk, but did any of the other jurors -- for instance, egg lady, we keep calling her, gave an affidavit indicating Becky said things like don't be fooled. Watch the body language. Watch, watch his body language as he testifies, Mr. Murdaugh. Did she relate that to any other jurors? It's not just what -- was it -- did it -- or did the sitting juror or the alternate in the...

Beg the court's indulgence.

(A PAUSE.)

MR. HARPOOTLIAN: One other point. In the memorandum of interview, now the clerk's private lawyer, Mr. Lewis, objected to any videotaping or audio taping of the clerk when she was interviewed. But in the memorandum of interview, she -- that is the clerk -- indicated she had conversations with the forelady outside the presence of the rest of the jury about what was going on in the jury room. Obviously, I would cross-examine her on that, but it may be necessary if she testifies to things that are inconsistent in that MOI for us to call the SLED agent that did the

interview to corroborate the MOI.

The MOI may be introduceable in and of itself as an exception to hearsay rule, but I believe it would -- may be necessary for us to call the SLED agent.

We're not going -- and, Your Honor, we're not -- you've indicated you're not going to want to know what -- any sort of summaries of those interviews by the jurors when we talked back in chambers or necessarily the MOIs. You want your own fact-finding with the jurors. To the extent that they contradict those, we may put all of that in the record for appellate purposes. And if you want, want to see those before you have this hearing, we can obviously put those -- we could put those in the record today or have those available for you, both the MOIs and the videos or -- we're, we're -- obviously, we're going to do whatever you tell us to do, but we're looking for some guidance as to if there's anything we can get you prior to that evidentiary hearing concerning those memorandum of interview by the SLED agents and the videotapes, whatever you -- whatever you instruct us to do.

Beg the court's indulgence.

(A PAUSE.)

MR. HARPOOTLIAN: Your Honor, we mentioned and Mr. Griffin reiterated to me just now, obviously you don't need to tell us that -- this today because we're not going to be

doing the questioning, but there is the consideration of 606(b) and the, the incursion into deliberations. At some point -- we don't need to know that today -- but at some point prior to you questioning the jurors, we'd like you to enunciate what your position is on that.

THE COURT: You're going to have to outline that a little bit more for me. What part of 606(b) are you discussing?

MR. HARPOOTLIAN: Well, it says:

> Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations, or to the effect of anything upon that, or any other juror's mind as -- or emotions as to influence a juror to assent to or dissent from the verdict.

THE COURT: All right, sir, and what are you saying that imports for this proceeding?

MR. HARPOOTLIAN: Well, I mean, for instance, if we show, if we prove to you that the clerk said do not be fooled or, you know, watch, watch Murdaugh's testimony, watch the body language, referring -- he was lying, he would be lying, one of the issues is if, if the juror who sat during deliberations who said that she -- that the clerk said that, did she discuss that with any other

jurors? Did she infect the jury? Does this allow you to do that?

THE COURT: Well, you certainly -- if you go to 606(b), it gives you some guidance about that. It says:

> Upon inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations, or to the effect of anything upon that, or any other juror's mind or emotions influencing the juror to assent or dissent from the verdict or indictment, or concerning the juror's mental processes; except a juror may testify on the question of whether extraneous prejudicial information was improperly brought to the juror's attention, or whether any outside influence was improperly brought to bear upon any juror. Nor may -- nor may a juror's affidavit or evidence of any statement by the juror concerning a matter about which juror will be precluded from testifying be received for these purposes.

I take that to give us the guidance we need about the parameters of the questions.

MR. HARPOOTLIAN: But, but if -- again, the juror that gave us the affidavit, would she be asked did you discuss

that during deliberations, did she do that?

THE COURT: That apparently is very questionable under the terms of 606, and I intend to abide by that. The way those questions have been asked in the many cases I have reviewed is to ask the juror whether that's still their verdict. If they're asked about improper contact and they talk about improper contact, then the way to pursue it beyond that for the judge is to ask about the impact on the verdict, not on the deliberations themselves. That may be a small slice of difference, but I think it's very important to understand that no one, not myself or anyone else, is going to be asking the jurors about the specifics of their deliberation, and the rule is quite clear about that.

MR. HARPOOTLIAN: Okay, and, and, and is it clear that you will not be using the SLED interviews or MOIs to attempt to impeach.

THE COURT: I told you when -- when that was brought to my attention in our chambers conference this morning I haven't made my mind up about that. I don't know what's in those summaries or anything else, and we're going to have to discuss that, but again I'm going to be doing the questioning at this point, Mr. Harpootlian.

MR. HARPOOTLIAN: Yes. Yes, Your Honor.

THE COURT: And I am trying to perceive what you all

are asking, and I'm going to go to the State now and what their reaction is to what you said.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: Mr. Waters.

MR. WATERS: Thank you, Your Honor. May it please the Court? Your Honor, again we would concur with what Your Honor just said about Rule 606 and, of course, all the cases that we've talked about, and the need to show prejudice. And obviously when you're talking about external influence, that prejudice would be an appropriate subject to inquire into the jurors as whether or not there was an impact on the verdict.

And we, of course, have suggested to Your Honor not only based on the cases that, that should be judicially conducted in a manner the protects the privacy of those jurors and protects the privacy of their identities. These jurors were drafted into service, and this inquiry, of course, has to happen, but it needs to be conducted in a manner that respects their privacy and should be, of course, judicially conducted.

We have suggested those, those two questions. If we look at the *Bryant* case, the *Bryant* case specifically talks about the fact that, depending on how the examination goes, there could be questions suggested by the parties. And obviously I think we would need to cross that bridge if and

when that needs to be crossed. And that starts with the -- with the Court's inquiry to those jurors and only if something arises that needs further inquiry could that be addressed at that point. And that could be even a discussion from counsel with the Court as to what additional questions may be proper.

You know, when the State first became aware of these allegations, the first thing that we did was ask SLED do an independent investigation, and the goal was good, bad, or ugly to get to the bottom of what, if anything, happened. And the result of that is why we are still here today. And that is that in speaking with the jurors that spoke to us, that the balance of the evidence, as well as in talking to the clerk's staff, was that there was no impact on any verdict. There was nothing unprofessional or untoward that happened that had any affect on the verdict. And so when we did that inquiry and that is what the jurors said, that is why we're here today, and that's what this hearing is going to address.

The only juror that we have is the one who filed the affidavit, that 630, and even she -- or that person said that she, you know, eventually voted guilty because she felt pressured by the other jurors. Did not even mention any external impact. And so unless she'd going to change her story, that is what was in her affidavit. So, the

balance of the evidence is the reason why we're here today and, and why this hearing needs to take place.

Your Honor, as far as inquiry to those jurors, again there could be a need that the parties would suggest questions. And it could be, depending on how things go, that the affidavits or maybe even the recordings, all of which have been provided to the defense, full recordings of those interviews of any potential witness in this case has been provided to the defense, it could be that issues could, could arise from either the State or the defense as to impeachment. And we can address those issues as they arise under the appropriate rule, 608, 613, and the like, dealing with not only prior incon -- state -- inconsistent statements but other evidence that would be properly impeached.

Ultimately, I do need to address one thing as it -- as it deals with all this, and that is the defense's contention that somehow the clerk is a party opponent in this particular case, and we believe that that is incorrect. Obviously, there is a hearsay exception or a non-hearsay determination in the evidentiary rules, I believe in 801, that exclude statements of the party opponent. But just because the clerk is an elected official and of the State does not make them a party opponent in the way that term is defined. A party opponent

is an active litigant before the case, and that is, I think, a difference. So, we would certainly say that, that hearsay rules would still be in effect as it relates to Ms. Hill and any testimony that she may provide.

I know there's been some discussion about the order in which the witnesses may be called and whether or not Ms. Hill would be a hostile witness. And obviously that's under Rule 611 and, I believe (c), which would allow leading questions, you know, if a person is hostile. I think, again, at this point I don't know that any showing necessarily has been made, but I understand the defense may raise that point. We may have some arguments at that time. But I, I don't know that there's been such an identification between Ms. Hill and the State that would allow, A, her to be identified as a party. I mean, that's far out of bounds, but also that she would be applicable -- to allow defense leading questions under 611(c).

Your Honor, in looking at the type of examination that would need to happen here, and again the issue also was -- arose of the Fifth Amendment, and I know that the defense would like to brief that issue. We're happy to respond. We don't know exactly how that might arise in the course of any examination. We need to cross that bridge again when we get there. We would say, though, that the Fifth Amendment is question specific, and so again it may be

something that this Court has to rule, as is in any sort of evidentiary presentation, question by question based on any objection by the party. So, it's kind of hard to say that -- exactly what the blanket position would be until we actually get to, to that determination.

Ultimately, the defense referred to some information provided this morning. Actually, both sides exchanged last night their communications with the clerk during the course of the trial. So, both, both sides did that last night and that there were a lot of communications with the defense as well. So, again, and I just want to point that out in the -- if there's any sort of allegation or, or insinuation that the State's not providing information, we've been very diligent about providing any and all information to the defense. And if any additional information arises, we will continue to do so. But both sides exchanged that last night.

And, of course, there's been some reference in their filings as to emails that were forwarded from the clerk to me and to my paralegal, and they've actually even listed me on the -- on the witness list. And, Your Honor, as we've had a chance to peruse the defense communications with the clerk, there is just as much communication and offers of help. It was just a uniform, across-the-board courteousness that's reflected from those. So, we think

that that's a non-issue, and we think that that should not be something that arises during the course of this evidentiary hearing, at least as it would require communication from -- or testimony from attorneys.

Your Honor, ultimately as we look at the inquiry that will need to be conducted, as the State had made clear, it starts with the jurors and only if something arises in that inquiry, further inquiry to those jurors may be necessary. And that could be in discussion with the parties, as I've stated before.

And then I know Your Honor has indicated that the clerk should testify, and we certainly understand that. The clerk filed an affidavit denying any of these allegations, and so again as we address the clerk's testimony, the State would have objection to some of the information I believe the defense would propose to examine her on. We believe that an inquiry should be limited to what is appropriate and relevant impeachment but not should be just a far-ranging fishing expedition or full, full inquiry into a lot of subjects that have come up since the trial that we believe are not relevant to any inquiry that is before the court here now.

Obviously, Rules 404, 401, 402, and 403, as well as -- which, of course, address relevance and 403 objections. 404 addresses other crimes or wrongs or acts. Rule 606 --

or, excuse me, 608 which addresses, you know, inquiry into other specific acts and impeachment, and Rule 613 which talks about prior inconsistent statements, all those rules potentially could come into play depending on the nature of the testimony and the nature of the inquiry.

But there have been allegations since the trial about the book, about this wiretapping case, about investigations into alleged use of office for improper gain, but again all those are subsequent to the trial. So, again, depending on how the testimony goes, the State would raise appropriate objections at that time to limit the inquiry to what is appropriate for what is before the Court, and that is what occurred during the trial. So, we would make those particular evidentiary objections as things developed.

Ultimately, that would be the State's position. I know that we're trying to put as much meat on the bones as we can at this particular point in time. But I think the reality is, is that the Court's inquiry to the jurors will really determine the nature of the inquiry that needs to proceed from there. And at that point, the State would, you know, take the positions that I've outlined here today.

THE COURT: Any reply?

MR. HARPOOTLIAN: Please the court, Your Honor? 404, it's somewhat ironic the State is quoting 404, Your Honor. One of the exemptions to 404 -- I know this will be

surprising to Mr. Waters -- is motive, as if he'd never heard that before. He told me this morning one of the assistants that worked for Ms. Hill during this trial was told by Ms. Hill during the trial that a guilty verdict would be good for sales of the book. Motive: selling books.

So, we believe we should be able to get into that; we should be able to ask Ms. Hill about it. If she denies it, to call that witness, that assistant, and have her testify that she was told that. I mean, why would a clerk do what we've alleged she did we think is important for Your Honor in terms of credibility and context. That's number one.

Number two, Your Honor, I think we've all agreed. You're going to ask the questions, whether we've agreed or not, and we do agree with that. The question is going to become as we go through that process how, if a juror says X and they said in their interview Y or if they've said to us Y or didn't include it in their original affidavit, and you don't ask that question initially, how are you going to handle -- or do you care how we suggest to you a further question? Because, as Your Honor sees this morning, the back and forth can go on for a while, and we certainly don't want that to go on with a juror. So, we're going to need some guidance on that. I'm not expecting that guidance this morning.

But the last thing is we -- as these jurors are examined, I need to understand a little bit about the logistics. Are we going to do it in this courtroom? Are we going to do it in another courtroom? Is the public going to be able to hear the responses? Will there be an audio feed if we do it somewhere else? Are you not -- are you going to have cameras turned -- do it in this courtroom and have cameras turned off? And we're obviously not to refer to jurors by their names, even though three of these jurors went on the *Today Show* and another went on ABC. They were all in the courtroom when the judge had them brought in at the end. They were in the courtroom, all except for one of them, for the verdict. Cameras were there then.

Again, I'm sensitive to their anonymity, but I don't know that any of them have any real anonymity anymore. Saying that, I think it's important not only for Your Honor to hear their answers but the public to hear their answers. Thank you.

THE COURT: All right, sir.

MR. HARPOOTLIAN: Thank you.

THE COURT: With respect to the jurors first as witnesses, I will be doing the questioning of the jurors, and I will notify the parties pretty promptly what I intend to ask the jurors. The ambit of what I will be asking them

is informed by the question of whether improper contact was made with them, and whether it affected their verdict.

I understand that you on the defense side have views about what further should be asked of jurors on two levels. One, as a predicate to what you want to do with the clerk herself in examining her, and two, as a means of further attacking the credibility of the clerk and her testimony.

I have not seen any of the SLED material or memoranda concerning the State's summary of these interviews and so forth. I will be open to receiving that if it's done promptly because we've got a hearing coming up the 29th, and I want there to be plenty of time to revise any current ideas about who to subpoena, who to call as witnesses, and who has to do that.

But I can tell you that I am very, very reluctant to turn this hearing about juror contact into a wholesale exploration of every piece of conduct by the clerk alleged to have been improper on its own, indicative of her or characteristics of personality, or anything of that nature. This is a very focused inquiry that deals with this jury and what impact contact, if any, had on this jury. So, I am very mindful of the limited nature of it. As I say, I'm not excluding submission in advance of information that would take the questions beyond the limited questions I initially indicated. But I will be very hesitant about any

of those questions as it involves propounding those questions to the jury.

As it involves questions to Ms. Hill similarly, this is not a time to explore every mistake or incorrect statement or false statement that ever has been made by this witness. I am the judge of the credibility of this witness for purposes of this new trial motion. I don't think it's necessary, nor do I think it's proper, to explore each and every impropriety alleged to have been committed by the clerk. At the same time, what specifically should be asked is something that I will look at as I look at the submissions that are made before the hearing takes place about what is requested be allowed as topics for questioning of the clerk and what exhibits should be used.

I can't imagine allowing thousands of emails to be made exhibits in this process, either emails sent by her to attorneys in the case, to other court officials in the case, or to other individuals during the course of the trial of the case. I certainly will try to preserve the appellant posture of defense in this regard, but I will put certain limitations on just a wholesale exploration of every problematic piece of conduct, ethical dealings with the county, and so forth. This is a very focused inquiry about this jury and its ability to render the verdict it

rendered in an impartial manner.

So, I say that to tell you that when the clerk is offered -- and I think the clerk is going to have to be offered as a witness. The whole allegation revolves around the contention that the clerk made contact with the jury about matters material to their verdict, that that contact was improper, and that it impacted their verdict. There is a whole lot more that Mr. Harpootlian has indicated he'd like to explore that I regard as totally extraneous to the inquiry that we've maintained. I'm not going to allow those questions to be asked by way of proffer and then have the clerk answer those questions and have that be the proffer, although I consider them irrelevant questions. We're not going to handle the case in that way.

If I exclude a certain question from being asked, then the proffer will be whatever in writing is chosen to be offered in that regard, but I will not conduct a hearing where there's a whole side hearing in which every question desired is asked and will required to be answered or dealt with in some other way. I don't think that is an appropriate use of this very targeted hearing that I'm directed to have.

I also think it makes a great deal of difference whether the questions that are being asked relate to the clerk's conduct at the time this case was tried as opposed

to other conduct at a later time or in connection with other things than the trial of this case.

So, I will be looking very carefully before we conduct this hearing and try to give the parties as much advice as I can about what I would find to be acceptable topics to pursue. I think you're entitled to that. But I also think the record of the case is not to be used as a platform to explore each and every fault of each and every witness, whether it be the juror or the clerk, and I'm not going to have the hearing conducted in that manner. I think there are other ways of preserving topics that I rule should not be pursued than having those questions asked and answered even though I've ruled that they are not proper in the hearing.

So, I hope that explains kind of where I am on the subject of how questions are asked. And, therefore, some of the suggestions that are made in the filings you've made with me about the additional witnesses you'd like to call and subpoena, I think we need to be sure we're all on the same page about what is acceptable in evidence and what is not. But I can tell you that I would not allow the subpoenaing and examination of attorneys in this case, of the judge who heard the case, or any of those type of witnesses. This case is very focused on the jurors and the clerk of court as I see it.

Now, it's about 11:15 or close to it. I'm going to do this. I'm going to take a break for a minute. Let's take until 11:25 as a break, and in that time I would hope that you formulate the other things you think we need to look at by way of the specifics of how this matter is to be conducted.

I will then do two things when I come back. Ask you for further ideas, both sides, as to who should be called, get very specific about who can be called and who cannot, who should offer these witnesses. And I would also at that time ask those who represent potential witnesses in this matter to come forward and have conversation with me about your position on behalf of your clients.

I think that's generally important because as we have the actual hearing itself, I've never heard of a situation where a witness can have their lawyer actively participate in the examination of the witness in a proceeding in which the witness is being offered. So, I would not allow that, but I think we can protect the legal positions that attorneys for witnesses want to take and need to take and want to put upon the record by pursuing the way I just outlined, and I'll be prepared to do that when we return.

All right, Court will be in recess.

(OFF THE RECORD.)

THE COURT: Please be seated. Before we proceed

further, a few other things that you've been asked about that I want to clarify before we then go forward with a more specific look at how witnesses will be questioned.

First of all, how the jurors will be questioned, everything will be done in open court. The jurors will be referred to by number. The Court TV cameras which are the ones used to film these proceedings will not be allowed to focus on the image of the jurors as witnesses, and if there's some need to further obscure the way they are presented, we can talk about that, but they'll be examined right here in the courtroom as the other witnesses would be. And I've kind of looked to a little bit of exchange we'll have with attorneys for the jurors to see what we can work out about how exactly the jurors are presented, but everything will be on the record here in open court with measures taken to ensure the privacy of the jurors.

No photographs would be permitted of the jurors or anything of that nature. And I believe if I announce that in advance, the press that are present and press that have covered this proceeding throughout have been respectful of the judge's request, and I am very confident they will be in this matter as well.

With respect to the alternate jurors, I will question only the jurors who sat and considered this case. So, the alternate who was dismissed, was dismissed by the trial

judge, that alternate did not participate in any way in the deliberations in this case. There's nothing that has been brought to my attention about anything the alternate might have done that was improper at all in terms of communications with fellow jurors; nothing's been alleged in that regard. So, my focus will be on the jurors that heard this case and not on either that alternate or any other alternate juror that is been proposed for questioning. I will not permit that.

With witnesses or testimony, I do not allow -- let me explain about proffer. Proffer will be a written proffer by the party to satisfy the limitations of my ruling, but there will not be some examination as to proffer. The proffer will be a written proffer by the attorneys in accordance with their positions about witnesses and testimony.

With regard to the subpoenaing of witnesses, the parties should subpoena these witnesses, and when it comes to the jurors, I would urge that the parties, the state and the defendant, jointly deal with the issue of subpoena of these witnesses. I do not think it is the court's place to subpoena witnesses or order witnesses' appearances.

This case is driven by the parties and their positions. The initial position of defense was that only certain jurors should be called; the state said no jurors

should be called but if you do, all should be called. All who sat on the case should be called. If the parties can't agree on how that subpoena should be accomplished, I'm sure -- let me know, and I will try to take some measures in that regard.

The concept I would have is that jurors would be -- would report to a place that I will specify, and when they report, they would be taken to a room with appropriate supervision by court personnel and then called individually to recite their testimony, and when their testimony was complete, they would simply take their place in the jury box until all were questioned. And then if there were any questions further by me that would be made collectively to the jury, I could do that. And if there are any further questions submitted to me by the parties that I chose to question, I would do that. And then when all of that was complete, the jurors would be allowed to be dismissed. So, that is how I would handle the juror witness portion of this. And, of course, I know I'm going to take some commentary from each side about that. That's why I talk about this in advance.

The other witness that surely needs to be called because of the allegations made is the clerk of court. The State has submitted a preliminary affidavit by the clerk of court, and the defense has many areas that they want to

explore for the court. Again, I would like for the parties to develop some joint way of subpoenaing the clerk of court, and if I need to be a part of that, then I'm sure the parties will let me know.

But I say this for the benefit particularly of the attorney for the clerk of court to know that I would expect that the clerk of court will be called as a witness in these proceedings 29th, 30th, and 31st if necessary.

You will be using the same courtroom for these proceedings, this courtroom, and 3B will be used as an overflow for the press. Excuse me, 3A is the one over here, and that's the one I will be using to conduct the hearing. This courtroom we're sitting in now will be an overflow courtroom for press with, I'm sure, Court TV monitor that's available for them to monitor the proceedings if there's not enough room. Based on the attendance today, might be plenty of room but we'll see. We'll have this as -- I will try to figure out a way to be sure that the broadcast in here of the proceedings will not interfere with the conduct of the hearing past this partition next door.

I will trust Mr. Bender to work with the press and the overflow courtroom in accordance with the rules I'm going to set forth here and anything else that may come up that needs my attention. I think that covers it at the present

time.

So, the first thing I'd like to do is to get some clarity from the attorneys as to what further more, for the parties, as to what further more needs to be discussed, and then after that we will explore the attorneys for the jurors and the attorney for Clerk Hill. Any other issues that still need developed?

Mr. Harpootlian.

MR. HARPOOTLIAN: Please the court, Your Honor. I'm trying to make sure I understand what you just ruled. Are you ruling we cannot call the alternate juror or the so-called egg lady to corroborate what was said to the sitting jurors as they were all told at the same time?

THE COURT: I'm not sure I understand your question, but I'm telling you that I want -- these jurors, these alternates would be called apparently to testify as to what the clerk said.

MR. HARPOOTLIAN: Yes.

THE COURT: At the present time, I see no necessity for them to be called to say what the clerk said because we're talking about what the clerk said to the remaining jurors, those who actually sat upon the case. The corroboration is something I don't think I need at this time. I think I'm perfectly capable of evaluating what the jurors tell me and I'll do that. I think I'm also

perfectly capable of evaluating the credibility of Ms. Hill and the jurors, for that matter.

MR. HARPOOTLIAN: Well, Your Honor, for us to -- and then you say you wouldn't allow a proffer of that except in writing.

THE COURT: Yes. I'm not going to have a courtroom proffer of any kind. If you want to proffer what would be offered by means of affidavits, copies of emails, or anything else you want to, that's fine, but I'm not going to have a courtroom proffer, no. I think you're -- the only reason for the proffer would be to preserve your right to appeal. I believe your right to appeal my ruling will be perfectly be preserved, frankly, if you didn't have a proffer, but even more so if you supply an in-writing proffer.

MR. HARPOOTLIAN: Well, I'm trying to determine whether an affidavit is sufficient for an appellate court, federal or state, when the state won't have an opportunity to examine that witness. I mean, they've given -- we can get more detailed affidavits. And, you know, these people are witnesses to what the clerk said to the jury that deliberated. I don't understand how that can't be relevant to Your Honor's decision.

I understand there's two steps; one, did she make the statement; two, was it prejudicial. These witnesses

corroborate she made the statement.

THE COURT: Well, of course, that's what you say. So far I haven't seen any of that. If that's what you say and you offer it to me in some form that I can evaluate it, I may revisit that decision.

MR. HARPOOTLIAN: Okay.

THE COURT: At the present time ---

MR. HARPOOTLIAN: Okay.

THE COURT: But at the present time, I see nothing that prompts me to think I need to have people who did not sit on the case talk about what they think the clerk said to other people when I've got the direct people to whom it's said that I will question.

MR. HARPOOTLIAN: Well, Your Honor, we did submit an affidavit, but I have no problem going back ---

THE COURT: You submitted one alternate affidavit.

MR. HARPOOTLIAN: Right.

THE COURT: And one affidavit of a dismissed alternate. I'm aware of that.

MR. HARPOOTLIAN: Right. So.

THE COURT: And that doesn't prompt me to change what I've just said to you at all.

MR. HARPOOTLIAN: If we could be more, more -- I understand what the questions are you have, and I would only put those folks up to deal with those very limited,

very limited issues that you described, put them up in ten minutes.

THE COURT: Well, again, I'm not going to rule in a vacuum. I'll see what you say, and I'll rule upon it.

MR. HARPOOTLIAN: We'll get affidavits and file them with the Court.

THE COURT: Very good.

MR. HARPOOTLIAN: Thank you.

MR. WATERS: Your Honor, just one issue as to logistics. Obviously, these jurors are down in Colleton County and we're up here in Richland County. I've spoken to SLED, and in as much as we need -- you know, there may be jurors who need transport, you know. SLED has certainly agreed to have twelve cars if we need to to make sure that they're individual. They can come in through the garage, and obviously they would be brought up to a jury room. I think Your Honor indicated they could be in a jury room with a bailiff in there, make sure that no one is talking about their testimony and that sort of thing. But also so that they don't have to come in through the public entrance and that sort of thing. So, that would be ---

THE COURT: I think that would be a good solution and, of course, to satisfy the concerns that the defense may have, you could even have a member of the defense team or one of their employees ride with them. Or if you can agree

upon sworn statement by the agent or person that does drive them that they, A, will not say anything and B, did not say anything, then that may cure the problem, too. I think you all can work that out. I do think having proper transport would, first of all, be a comfort to the witnesses themselves, the jurors themselves, but if they can arrange something otherwise, of course they'd be free to do that. But to the extent it is a burden on them, yes, I think it's a good idea. And in all events, I would want arrangements to be made to have the jurors come to the parking garage in this building and be escorted up in a private way into their assembly room.

MR. WATERS: Yeah. Absolutely, Your Honor, and we will -- I'm sure SLED -- I've already spoken with them about that, have uninvolved agents who will be under strict instructions not to discuss the case and happy to have them sign affidavits for whatever.

THE COURT: Very good. All right, anything further before I go to the lawyers for the jurors? All right.

MR. HARPOOTLIAN: Your Honor, only one other point and that is you've asked us to give you exhibits that we would use.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Having not asked or had the opportunity to ask Ms. Hill a single question, I don't -- I

can't tell you -- there's not thousands of emails. I would use probably five.

THE COURT: I'm just going on some of the descriptions that were in the filing y'all have made to me.

MR. HARPOOTLIAN: Well, we've received thousands of emails from Colleton County based on the subpoena we sent; we received hundreds of pages from the AG's office and SLED.

THE COURT: It will make it a lot simpler if it's a small number and a discrete number by submitting them to me. Again, I told you I would evaluate that when I get it.

MR. HARPOOTLIAN: Of course, I don't think you can evaluate them until she testifies.

THE COURT: I think you're going to have to trust that I am going to do some evaluating before she testifies.

MR. HARPOOTLIAN: Okay, and, Your Honor, you know, she's given an affidavit denying any of these statements.

THE COURT: She has.

MR. HARPOOTLIAN: So, these alternate jurors that have been dismissed, would you allow us to call them to impeach her if that's what she testifies to?

THE COURT: At the present time, the answer to that is no, as I've indicated, but again I'm not going to rule in a vacuum. I would hope that what you all would do is send me a pretty specific idea of what you want and how you want me

to permit it. So, I'm not going to rule on something I haven't seen yet, which is your proposal as to how exactly these witnesses and alternates are to be used.

MR. HARPOOTLIAN: All right. We'll get more extensive affidavits from those alternates.

THE COURT: Okay. That's fine or descriptors of some sort from you as to what you intend to do. I'm not going to dictate how you do it, but I'm going to have to have a lot more than just generalities that have been discussed in these briefs in order to permit such.

MR. HARPOOTLIAN: Well, I think we're going to need affidavits for appellate purposes, if nothing else. My description to you is not evidence.

THE COURT: Oh, I agree but, you know, again I will tell you how I'm going to accept a proffer. How you -- what you put in the proffer, written proffer, is up to you. I don't want to dictate that or manage it.

MR. HARPOOTLIAN: Well, I just want to say that we're hopefully going to get affidavits from these folks.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Much more descriptive that the original affidavits.

THE COURT: All right, sir.

MR. HARPOOTLIAN: Thank you.

THE COURT: All right.

MR. WATERS: Your Honor, may I consult with counsel very briefly?

THE COURT: Certainly.

(A PAUSE.)

MR. WATERS: Your Honor, one of the things that was discussed earlier was the independent SLED investigation that was done. There were recordings of some of these interviews.

THE COURT: Yes, sir.

MR. WATERS: And analyzed, prepared, and were meant to be summaries. I know Your Honor mentioned earlier that you would be open to receiving those.

THE COURT: Sure. I'll be glad to review any of that.

MR. WATERS: Discussed that with counsel, and I believe they said, well, we want to send the ones we want to send. I think if Your Honor is amenable to that, we would just add Your Honor to the discovery upload that was provided to the defense so that that information is available to the Court for whatever purposes the Court deems necessary.

THE COURT: Can I ask this first? Would that discovery upload include your interviews, the tape of the interviews, as well as your summary of them?

MR. WATERS: Yes, ma'am.

THE COURT: All right. I will ask you to let my

clerk, Eva Diaz, talk with you afterwards about how to send me something of that volume.

MR. WATERS: Sure.

THE COURT: Our court IT has a lot of barriers in our system to us receiving even conventional websites and web tools for examining, in volume, documents, and so I will want her to interact with you all about exactly how I am to receive that material, but yes, I will be happy to receive it.

MR. WATERS: We, we'd be happy to get flash drives to provide, provide it that way, if that makes sense.

THE COURT: That might be the better way to do it because, again, I can very easily examine a flash drive even though it takes a long time, and particularly if you are kind enough to provide an index at the front of the flash drive as to where these various materials are located. That might be better than using one of these web document sources since so many of them are excluded from our system.

MR. WATERS: We'll prepare one and have a copy for you, Your Honor, and Ms. Diaz, your clerk.

THE COURT: That would be good.

MR. WATERS: Thank you.

THE COURT: All right. All right. Now, on my list I have in the courtroom at this time Mr. Bland, who

represents certain of the jurors; Mr. McCulloch, who represents certain of the jurors; and Mr. Lewis represents Ms. Hill. Are there others in the courtroom who represent jurors or Ms. Hill?

Mr. RICHTER: Thank you, Your Honor. Ronnie Richter. I'm Eric Bland's partner.

THE COURT: Running a little fast for me.

MR. RICHTER: Ronnie Richter, Mr. Bland's partner.

THE COURT: Oh. Right.

Any others?

All right, well, then we'll begin with you, Mr. Bland. If you and Mr. Richter would come forward?

MR. BLAND: May it please the Court, Your Honor? Ronnie and I represent four jurors who rendered verdicts in this case.

THE COURT: I would like their numbers off that -- only if that doesn't violate the attorney-client privilege, and you may give them to me now or later.

MR. BLAND: Can I give them to you later?

THE COURT: Yes.

MR. BLAND: I've got them now. I just -- our job, we want to preserve their anonymity.

THE COURT: I understand.

MR. BLAND: Two, we want to make sure they are not harassed, and three, we want to make sure that the verdicts

of their conscience remain, and that is not only because they voted guilty. If they voted not guilty, we'd feel the same way.

After hearing what Your Honor has established by the way of procedures, we've very comfortable with what you have established to protect their anonymity and that they're not harassed.

Ronnie came up with a good suggestion. May you renumber the jurors 1 through 12, and that way because there has been some public disclosure of the jurors' numbers in some of those emails, they were -- the big batch of emails that Mr. Harpootlian referenced. So, maybe we cross reference with the chart 1 through 12 and their juror numbers.

But as far as the questioning goes, there's no need for us to, to be part of this. You're going to make the questions. You've indicated you're going to preserve their anonymity -- that they can't be photographed, they can't be on videotape -- and that's about all we have.

MR. RICHTER: Again, Your Honor, I would amplify I certainly respect and appreciate the significance of the issues before you. And, and I respect your decision that you're going to make this public. I would have asked you to make the jury portion closed courtroom and, Your Honor, only, only for this reason.

That I don't know what the jurors are going to say, and I don't know what you're going to rule, but let's just say in a hypothetical setting that because Juror Number 9 said something that you believe deprived Mr. Murdaugh of his right to a fair trial, you're going to grant him a fair trial -- a new trial. I, I would hate for there to be any negativism for somebody to back trace to who was Juror Number 9 because the public has very firm opinions about this matter, and I wouldn't want that person to be subject to any kind of public scrutiny. So, I would have asked of you that for the juror portion of it we do closed courtroom; that the press would be present; that their likeness, both voice and face, be muddled just as an additional safeguard. But I certainly appreciate the safeguards you have put in place, and I respect your ruling. I throw that out for consideration.

And on a broader perspective, I know that you've had this experience as well, Your Honor. It's becoming more and more difficult in this state to seat a jury, and I can't think of anything more injurious to jury service from a broader perspective than to see, you know, jurors who've given up six weeks of their lives being pulled back in for a process like this, as necessary as it is. So, I, I worry that the process, we handle it as gingerly as possible so not to further prejudice our ability to get jurors going

forward.

THE COURT: Thank you, sir. What I will do is this. I think your suggestion of renumbering is a good one. It's something that my clerk and I have talked about between the two of us as well.

In every proceeding I've ever seen where a juror was questioned, in every case I've ever read where jurors were questioned because of allegations either during trial or posttrial that they had been tampered with, those proceedings have been in open court. And I don't feel it would be appropriate for me to have some kind of *in-camera* proceeding even if it included the attorneys, as it would have to, and even if it included members the press but not the general public. I don't think that is in keeping with the public nature of trials in this state and the public nature of court proceedings.

However, I think we could make some protective arrangements for when they testify and their ability to be dismissed after they've testified that would protect them from being set upon to the best extent possible. So, that is -- that is the way I will handle it, and I hope, all things on balance, that that as protective as you think it needs to be.

MR. RICHTER: We trust you, Your Honor.

THE COURT: All right, sir.

MR. BLAND: Your Honor, on behalf of our clients, we will accept service of the subpoena so that they don't have to served.

THE COURT: Well, that's great and, of course, you don't represent all of them.

MR. BLAND: No. Our four.

THE COURT: Your four, but that's great and it may very well be that these parties are going to be able to work out something with respect to some of the rest of them. I don't know, but I appreciate that on behalf of the ones you represent.

MR. BLAND: Do you want me to come up and tell you our juror numbers, or you want me to wait?

THE COURT: No, sir. I don't need that this moment.

MR. BLAND: Okay. Thank you.

MR. RICHTER: Thank you, Judge.

THE COURT: Yes, sir.

Mr. McCulloch.

MR. McCULLOCH: Would you like me here or there?

THE COURT: Go to the podium, please, sir.

MR. McCULLOCH: Your Honor, I believe some of the Court's rulings today, they've satisfied several of the things I was going to mention. One was, of course ---

THE COURT: And how many jurors do you represent?

MR. McCULLOCH: I'm sorry, Your Honor. I represent

Number 785 and 630 as a deliberating juror, and the other juror was the removed juror.

THE COURT: Right. Now, with respects to the replaced juror, I think my ruling about the ambit of any testimony from that juror satisfies any requirements you've made. I've ruled that I will not hear testimony from that juror, alternate juror at the present time.

Now, Mr. Harpootlian is going to submit additional information as regards your client. I'd ask him to submit that information to you as well, and then I'll see if there's any revision of the position I take about that.

You also represent one sitting juror, so you may continue.

MR. McCULLOCH: Your Honor, the other juror was not an alternate. She was actually a seated juror.

THE COURT: Sitting juror.

MR. McCULLOCH: Who was removed at the end.

THE COURT: Oh.

COURT REPORTER: I need Mr. McCulloch to speak up, please.

THE COURT: You need to speak up some, Mr. McCulloch.

MR. McCULLOCH: I don't get that much, Your Honor.

THE COURT: Yes, sir.

MR. McCULLOCH: Your Honor, if you'll indulge me just a moment? I think much of what you've said today bears on

the quote that I'm taking from the response of the State which was filed and is part of your record, and my letter of November 10th responding to that filing is also a part of your record. The state said that:

> Jury duty is this cornerstone civic duty. Needless exposure to jurors to litigative stress and impeachment by zealous attorneys in a case especially of this public exposure can only serve to discourage the citizens from willingly participating in jury -- in this civic duty.

Your Honor, I am delighted with your ruling that you'll be asking the questions. I've been subject to your interrogative skills in my appearances before the Supreme Court. So, I'm pleased with that, and I checked that off my list.

I would like, Your Honor, for you to take judicial notice that there have been excessive public comments by -- and I -- and I have to say, Your Honor, in my letter of November 10th, I took Mr. Waters, who signed the letter, to task for labeling one of my clients, one of these jurors, as dishonest. I think I didn't -- I wasn't pleased with that. I think that discourages civic participation. I would ask the Court to admonish the litigants, the attorneys ---

THE COURT: I'm not going to -- Mr. McCulloch, let me

stop you there. I am not aware of any of what you're talking about in terms of comments about the jurors or otherwise. So, that's just not something I'm going to take into account by listening to it or by taking any judicial notice of it. I don't know what I would be taking judicial notice of; I do not know anything about what you're talking about.

MR. McCULLOCH: Well, Your Honor, both my letter and the response of the State are part of the record which you obviously have not gotten to yet. My only request is either admonish lawyers and officers of the court in this courtroom and outside of this courtroom who represent people to be cautioned that, that we -- that this is a search for the truth, not an effort to protect the verdict nor an effort to discourage people from participation, and negative commentary does that, or runs the risk of doing that. That's all I have to say.

THE COURT: I understand and I decline to instruct or admonish participants in this procedure in any way about what you say.

MR. McCULLOCH: Thank you. Your Honor, next, like Mr. Richter and Mr. Bland, I appreciate your efforts. I suspect is that we will decline a ride to the courthouse, but I would ask the Court to consider allowing the jurors who don't -- choose not to ride with SLED agents to be

permitted entry and exit from the courthouse that would involve -- relieve them of the necessity of coming through the front door.

THE COURT: I think I've already said I will make arrangements for juror witnesses to report to the basement where the law enforcement station is, and they will be appropriately directed to the assembly room.

MR. McCULLOCH: Your Honor, lastly, if I understand your ruling or discussions about the process that occurred here -- this may run at odds with Your Honor, and I'm not arguing with you. But I am of the belief that this litigative stress earlier referenced could be avoided and the public media not denied their opportunity to, to gain access and knowledge of the proceedings by not exposing these jurors to a crowded gallery, a full gallery of press by allowing its recording through -- I understand Court TV will be the pool camera. That is to say that I have actually in my history participated in proceedings that involved the questioning of jurors which was done *in camera*. So, I, I don't think it's without any precedent, but I would obviously respect your ruling. But I would ask you to consider or reconsider that no damage would be done to the right of the public to know and participate in the proceedings, but you could accomplish the same thing by allowing the, the pool camera and avoid the distraction and

the imposition of that on these jurors.

THE COURT: I hear what you're saying, and I'm not inclined to change the ruling I have made at the present time, but I'll keep an open mind about it as we make pretrial preparations for the hearing. At the present time, the jurors will be examined in the courtroom, as I have indicated, with the appropriate identity protection.

MR. McCULLOCH: Thank you, Your Honor, and subject to your rulings, I will have both of my clients available for these parties as they might be needed subject to your subsequent rulings.

THE COURT: Thank you.

MR. McCULLOCH: Thank you.

MR. RICHTER: Your Honor, do you expect all jurors to be present for all three days?

THE COURT: No. Let me make it very clear that I expect the jurors to be the first witnesses to be called in these proceedings. And the jurors would testify, and then they would be dismissed. They would not be required to stay for the rest of the proceedings at all. So, that is very much a part of my thought of what it takes to protect their identities. They would be protected as best I can, and the ability of others to come and beset them with questions as they leave would be protected.

MR. BLAND: Do you -- do you expect that you could get

through all twelve in one day, or should I tell them -- because a couple will have to take off of work.

THE COURT: Yes, I do.

MR. BLAND: Okay. Thank you.

THE COURT: All right, and, Mr. Lewis.

MR. LEWIS: Your Honor, I'll be brief. In light of your rulings, I don't think you need much from me. The only thing that I'll add is I'll have Ms. Hill available for you as the parties need, and I'll be happy to accept service to alleviate one issue for this Court.

THE COURT: All right, sir. Thank you for that, and before you leave the podium, let me just consult with the lawyers. I'm not going to ask them to examine you. That wouldn't be fair at all, but I'm going to ask them if there's anything else I need to inquire of before I let you go.

As I understand it, the subpoena -- and we would have a formal subpoena of Ms. Hill -- would be placed in your hands as her attorney, and you would assure her appearance, and I appreciate that very much.

MR. LEWIS: Absolutely.

THE COURT: Is there anything else on behalf of Mr. Murdaugh?

MR. HARPOOTLIAN: Thank you, Your Honor, and just in an effort to try to expedite this matter, I'd have two

questions. One, will Ms. Hill meet with Mr. Griffin and I?

MR. LEWIS: I'll evaluate that.

MR. HARPOOTLIAN: You'll have to evaluate it? Okay. That's all I need to ask. And secondly, should we have her here on that Monday or wait? I mean, we could be doing the jurors most -- all day.

THE COURT: She should be here as court begins.

MR. HARPOOTLIAN: All right. Thank you.

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: All right.

MR. LEWIS: Thank you, Your Honor.

THE COURT: I'll go over my checklist one more time, but I think I covered everything I want to cover. I'll come to each of you in a moment.

Yes, just, just to clarify other witnesses, as matters now stand, witnesses in this proceeding would be jurors and Ms. Hill. So, I want to be sure that we're all understanding what's going on in that regard. I would not allow the attorneys to be called. I am unclear about the mention in some of the papers that SLED investigators would be asked to testify or any other witnesses, so I'm going to go one more time. I want to get real specific so you will understand what you need to prepare for by way of in-court examination and what you need to prepare for by way of submitting proffer.

All right, first of all for the defendant.

MR. HARPOOTLIAN: Please the Court, Your Honor? Just a couple of issues. One, we don't know who we're going to call to impeach Ms. Hill because we don't know what she's going to say. So, it's difficult for us. I mean, we -- I mean, once she testifies, at that point we'd say we'd like to call so-and-so and so-and-so and such-and-such and such-and-such, number one. So -- or maybe no one. I mean, she may concede every issue we have. For instance, she did tell, according to the State, she did tell one of her assistants, one of the people helping her, you know, I hope he's found guilty because it will help book sales. Now ---

THE COURT: I hope that's the last time you're going to repeat that until I ask for it again, Mr. Harpootlian. I've told you that I can't imagine a situation in which I would go that far, a statement like that, and she may well have said it. If it goes to anything I'm asked to consider, it would be to her credibility. And I'll evaluate whether I think that's even proper to ask, but let's move on from that.

MR. HARPOOTLIAN: So -- but there are other questions concerning her credibility.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: 404 motive. If she -- I mean, if she did this, it is a crime and so, you know, the questions

of why she would have done this extraordinary act, and we can argue this at another time, but in terms of being -- the reason I mention it is for us to proffer those people not knowing what she may, may -- the question may get asked. She may admit it. There's no witness that needs to be called.

So, it's difficult for me to game this out. I don't think I've ever been asked to list witnesses I would call to, to impeach somebody if they lie under oath. I have never heard of such a thing, but I will attempt to do the witnesses we would call prior to Ms. Hill's testimony. That's all I think I can do, if that makes sense.

THE COURT: It doesn't make complete sense to me because this is not the trial of Ms. Hill. And issues about motive and so forth and the possible commission of crimes are not what this inquiry is about. It is about her contact, if any, with the jurors and what she said. So, I will be treading very carefully with a good deal of what you say about what you might or might not ask.

But I am going to ask all the parties to be pretty specific with me about what I ask, I should be asking the jurors, and I can make a decision in advance as to what I am going to do about that and what is going to be, at least by general topic, pursued with witnesses.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: And the reason I do that is because it gives me the opportunity to then consider what rulings I would make and move the proceedings along in an orderly way.

MR. HARPOOTLIAN: Well, Your Honor, it may be premature for me to note this for the record, but we would except your ruling on that.

THE COURT: All right, sir.

MR. HARPOOTLIAN: Secondly, Mr. Murdaugh has been unable to review any of the discovery material in this case because of the confidential -- confidentiality order prohibits him -- us to distribute to him while he's in jail. We don't have time in the next less than two weeks to go sit down with him and review everything.

Would Your Honor allow him to have them? And the materials are not as to the evidence in the underlying case. It's as to juror issues. And while he's no longer a lawyer, he was a lawyer at one point and can -- and evaluate this and be of assistance to us if he has an opportunity to review that material.

THE COURT: You're speaking to me about something in a complete vacuum as far as I'm concerned. So, I can't really evaluate what you haven't been able to review with him and what you have been able to review with him.

As I understand what you're telling me is I have

received certain information as the attorney for defendant that I have not been able to show defendant for defendant's review because of a confidentiality order.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: I can't imagine that. I think what you may be saying is Mr. Murdaugh has not been able to keep for himself while I'm not there confidential material.

MR. HARPOOTLIAN: That's correct.

THE COURT: Well, that is something common to many folks who are under incarceration and are limited in the kind of materials that they can receive and keep in their possession when they are not with their lawyer. So, this is not an issue where he's being deprived of the ability to consider material that you have received. This is a question of whether he can have that material in his possession when you are not there or your representatives are not there and study upon it and so forth.

I can't control what the limitations of the Department of Corrections are, nor can I control what limitations may have been put on the confidential material because of the fear that it would be -- it would fall into other hands. So, I'm not going to rule in the abstract on things. I would have to have something that was pretty specific.

But I can tell you this. I would certainly not order that these materials be wholesale given to him for him to

take back to his cell and have in his possession because I don't know who might see them, were that the case. And if they are confidential materials, that would be an extreme risk of breaching the confidentiality of materials to do that because of his situation. And his situation is as it is not of my making or yours.

MR. HARPOOTLIAN: Your Honor, we'd only note for the record this. Much of the material received has been within the last two weeks. This hearing is scheduled for two weeks from yesterday.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: We've been -- and you've given us more stuff we have to do between now and that hearing. There's nobody to go sit with him at the jail, and time is limited as to when those, those people can visit. So, without him being able to view this material, I don't believe we can be effective and would be ineffective in representing him.

THE COURT: Well, I understand that those are wise statements for an attorney to make to preserve your position on the record. It doesn't change my view of how we should proceed in this matter at all.

MR. HARPOOTLIAN: Well.

THE COURT: I think you will be able to -- if there are deficits in what you have been able to do with your

client, you will place those contingents on the record, and the appellate courts of the state will have adequate chance to review them.

MR. HARPOOTLIAN: Well, Your Honor, would you consider continuing the hearing on the 29th to allow us to meet with the client to effectively review these materials?

THE COURT: No, sir.

MR. HARPOOTLIAN: Okay.

THE COURT: Thank you.

MR. HARPOOTLIAN: We respectfully except your ruling.

THE COURT: I understand.

MR. HARPOOTLIAN: Thank you.

THE COURT: Mr. Waters.

MR. WATERS: I don't have much to address, Your Honor. The initial question Your Honor asked was about SLED agents being listed on the potential witnesses. You know, again, Your Honor, when these allegations were first raised, we instructed SLED to do an independent investigation, good, bad, or ugly, and only because of the results of that investigation are the reason why we're standing here and litigating these issues before Your Honor.

Ultimately, the only way that SLED agents could potentially be testifying, again when we filed our response, we didn't know exactly the parameters the Court would rule. The only way I can see them potentially

testifying is in the event there is an excepted witness by Your Honor that there was some sort of prior inconsistent statement under Rule 613 or some other permissible inquiry. But I think Your Honor's rulings as to the, the nature of the inquiry we're going to conduct would probably remove or make it very unlikely that may be.

THE COURT: All right. Anything further?

MR. WATERS: Nothing from the State, Your Honor.

MR. HARPOOTLIAN: Nothing from -- nothing from the defense, Your Honor.

THE COURT: I say to attorneys for both sides the Court is deeply grateful for the very fine materials you have submitted so far. This is an extreme amount of work in a very truncated period of time, and I appreciate the burdens this places upon you.

Mr. Harpootlian, I particularly thank you as a member of the General Assembly for not interposing your immunity because you are in session, and I respect that. I set these matters after consultation with y'all so that I could fulfill my obligations to the Court, as expressed in Chief Justice Beatty's order, but I realize that I'm doing that with your extreme cooperation in light of your other duties, and I appreciate it very much.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: I look forward to further submissions from

the parties and the hearings commencing January 29th. Court will be in recess.

MR. WATERS: Thank you, Your Honor.

MR. HARPOOTLIAN: Thank you, Your Honor.

(OFF THE RECORD.)

THE COURT: Parties, just one moment. I asked Ms. Harris before these matters commenced to please expedite, even if it's in a rough form and not in the perfect form that the court reporters like to produce their transcripts, I asked her to produce a rough copy of the transcript just as soon as she possibly could for both sides. I hope you all will consider without me having to order it sharing the expense of this production, this early production of the rough copy of this matter. She will be in touch with you, and you may be in touch with her with regard to the rough transcript of these proceedings.

Court will be in recess.

--- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR COLLETON COUNTY, SOUTH CAROLINA, ON THE 16TH DAY OF JANUARY, 2024.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/Elizabeth B. Harris, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

JUNE 17TH, 2024

State of South Carolina) In the Court of General Sessions
) Fourteenth Judicial Circuit
County of Colleton) 2022-GS-15-0592
2022-GS-15-0593
2022-GS-15-0594
2022-GS-15-0595

The State of South Carolina,)
)
)
vs.) Transcript of Record
)
)
Richard Alexander Murdaugh.)
)
)

January 26, 29, 2024
Columbia, South Carolina

B E F O R E:

The Honorable Jean H. Toal, Judge

A P P E A R A N C E S:

Alan M. Wilson, Attorney General
Donald J. Zelenka, Deputy Attorney General
Samuel Creighton Waters, Senior Assistant Deputy AG
David A. Fernandez, Assistant Attorney General
Johnny E. James, Assistant Attorney General
John P. Meadors, Assistant Attorney General
Attorneys for the State

Richard A. Harpootlian, Esquire
James M. Griffin, Esquire
Phillip D. Barber, Esquire
Margaret N. Fox, Esquire
Attorneys for the Defendant

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter
Certified Verbatim Reporter - Master
Certificate of Merit

I N D E X

Witness/Description Page No.

FRIDAY, JANUARY 26, 2024

Juror X

Examination by the Court 19

Examination by the Court Resumes 23

MONDAY, JANUARY 29, 2024

Juror Z

Examination by the Court 44

Examination by the Court Resumes 51

Juror C

Examination by the Court 63

Juror F

Examination by the Court 65

Examination by the Court Resumes 69

Juror L

Examination by the Court 70

Juror E

Examination by the Court 73

Juror P

Examination by the Court 75

Juror O

Examination by the Court 79

Juror Y

Examination by the Court 82

Juror W

Examination by the Court 85

Juror Q

Examination by the Court 88

Juror K

Examination by the Court 91

Rebecca Hill

Direct Examination by Mr. Waters 105

Cross-examination by Mr. Harpootlian 114

Redirect Examination by Mr. Waters 142

Examination by the Court 146

Further Direct Examination by Mr. Waters 159

Further Cross-examination by Mr. Harpootlian . . . 160

Rhonda McElveen

Direct Examination by Mr. Harpootlian. 174

Cross-examination by Mr. Waters. 190

Redirect Examination by Mr. Harpootlian. 198

Alternate Juror

Direct Examination by Mr. Harpootlian. 201

Cross-examination by Mr. Meadors 206

Redirect Examination by Mr. Harpootlian. 225

Closing Argument by Mr. Waters. 230

Closing Argument by Mr. Griffin 240

Ruling of the Court 248

Certificate Page. 256

E X H I B I T S

No.	Description	ID.	Ev.
C-1	Email		33
C-2	Witness List - SEALED		33
C-3	Affidavit of Juror Z.		57
C-4	Defense Question.		70
C-5	Affidavit of Alternate Juror.		199
D-1	Written Proffer		247
D-2	Emails.		248

FRIDAY, JANUARY 26, 2024

THE COURT: Welcome, ladies and gentlemen. This is the matter of *State v. Richard Alexander Murdaugh*, 2022-GS-15-00592, 593, 594, 595. This is an evidentiary hearing with respect to defendant's motion for a new trial, which has been remanded to this court from the Court of Appeals where the matter is on appeal, paused for the conduct of this hearing.

I've got a couple of preliminary things that I'm going to say to our friends in the press. Then I've got some things that I want to say to you as counsel, and then we'll proceed with the examination of the juror.

Members of the press, as I explained earlier, this procedure is unique in that typically issues like this are raised immediately after the rendering of a verdict, and we are now almost a year post verdict in this matter, which makes this a very unusual situation for you and for me to preside over.

The defense has asked the jurors be sequestered prior to giving testimony for this motion. To accommodate that request and to accommodate an unavoidable schedule conflict for one juror, that juror is being examined today; the remaining jurors will be examined Monday.

Under South Carolina law, particularly *State v. Sinclair*, the examination today could take place outside of

public view and a transcript released at a later time. As a compromise, I am examining one juror today. I have previously had an off-the-record consultation with members of the press, and I am now going to put on the record what I have discussed.

I have asked that the gender of the juror, the questions asked, and the juror's response not be reported until after this court convenes on Monday at 9:30 AM for the examination of the balance of the jurors and the clerk of court. The press term is embargo, I think, but what I am asking is that these questions and answers and the gender of the juror be embargoed until 9:30 on Monday.

I deeply appreciate the cooperation of the media about this. Their behavior has been exemplary throughout. I am very pleased and grateful for the participation of Jay Bender as the media coordinator for this matter, completely voluntary and without pay.

And, Jay, we really appreciate your assistance, and I know the members of the media do.

And again, thank you so much for your cooperation with this request.

Now, I have had many communications with both the State and the defense about how to conduct this examination. I have given the State and the defense the questions which I intend to propound to the juror. And as

I have explained in my communications, they are loosely based on the examination conducted in *State v. Green*, which is the last major pronouncement by the South Carolina Supreme Court in 2021 about how issues regarding the possible taint of the juror, jury by some communication from someone not a juror is to be handled. And I have tried to model this procedure on that, although it's very difficult and very difficult for both parties in this case because of the length of time that has taken place since the verdict was rendered.

I have received objections to the questions that I am going to propound by both the State and by the defense.

And, Mr. Harpootlian, I particularly appreciate your quick response yesterday to the inquiry I made about these questions.

And I have taken the comments of Mr. Waters and Mr. Harpootlian into account, and I have slightly revised my questions.

And I would like, Ms. Diaz, for you at this time to go to both sides and pass out the copies of the questions as I propose to propound them.

(A PAUSE.)

THE COURT: Counsel, if you will take a moment, we will just be at ease. If you can take a moment to examine these questions.

(A PAUSE.)

MR. HARPOOTLIAN: Your Honor, I hate to ask this, but may we have a five-minute recess so we can huddle and talk about this?

THE COURT: Yes. I think that's appropriate. It's now about a quarter of. Why don't we reconvene at 5 of?

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: Court will be in recess.

(OFF THE RECORD.)

THE COURT: Please be seated.

All right, I turn first to the State. Any comments, Mr. Waters? I don't -- let me just say to begin with. You all are free to file if you care to -- I know Mr. Harpootlian has filed his letter to me yesterday, and that explicates with cases and other more detailed arguments his position about these questions. So, that's on the record.

Mr. Waters, if you care to file anything along those lines, either the emails that were exchanged with all the parties and myself about this issue or whatever you choose to file, that's fine with me. I don't propose at this time to have any detailed argument about this matter, but I'll receive comments from each side before we begin, Mr. Waters.

MR. WATERS: Thank you, Your Honor, and again as Your Honor knows when we did that supplemental briefing, you

gave us the option, of course, and, and the State elected, given the option that Your Honor gave so that we can preserve, you know, the inquiry to, to send the brief to Your Honor, as well as those emails addressing the questions. And we will file those, but we wanted to wait until the hearing started to file those for obvious reasons.

I guess as it goes to the questions that Your Honor has, has put in there, obviously we had comment on that yesterday, and again we briefed the issue, but in looking at these questions and having raised the issues that we do, we don't have any further issue, and these questions are, are, are otherwise acceptable to the State.

THE COURT: Very well. You waive nothing by the comments you have made, and all objections are preserved.

MR. WATERS: Thank you, Your Honor.

THE COURT: Mr. Harpootlian.

MR. HARPOOTLIAN: Please the Court, Your Honor? These are slightly different than what you had previously shown us.

THE COURT: Yes. I tried to take into account, frankly, the commentary you made in your letter yesterday.

MR. HARPOOTLIAN: So, I might elaborate on a couple of minor points.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Hoping to convince you ---

THE COURT: I understand.

MR. HARPOOTLIAN: --- to, to perhaps change your position.

THE COURT: I understand.

MR. HARPOOTLIAN: As to question 1.b, you, you go through the facts that they were polled: Is that still your verdict? Each juror answered yes. We would object to that because it emphasizes to the juror that, oh, you've already said that was your verdict, and so you probably should not change that position.

As to 2: Was your verdict based entirely on testimony, evidence, and law presented in the case? Again, that's what they were told by the judge and to admit otherwise would indicate they didn't follow their oath rather than just asking who, if someone says something, who was it and did it in any way affect your verdict, and that's what we suggest, and did you hear Becky Hill make any comments about the merits of this case. She doesn't know what the merits are. Did she, as we suggest in our questions, you know, did she say anything that in any way was about the case, the defense or the prosecution? So, we'd ask you to not use the word merits.

And, and we say did Ms. Hill -- what comments did you hear Ms. Hill make? Who else was present when Ms. Hill

made those comments? Did Ms. Hill's comments influence you in any way and if so, how? Did Ms. Hill's comments prejudice you against the defendant in any way, however slight?

It just seems to us that gets to the who, what, where of, of what happened as supposed to, you know, the sort of you said it was your verdict. Now why have you changed your mind today or have you changed your mind today? We just think it puts the onus on the juror to make a statement that would be inconsistent with what they said to the judge last March.

THE COURT: Very good. Thank you very much for those remarks. I will ask the questions as I have handed them out to you. I think they are within the parameters set by *State v. Green*, modified because of the unusual circumstances here. I think asking questions of whether there was any prejudice also makes some assumptions about that issue. That's a loaded word.

I've chosen, I think, to ask in a neutral way, but the word merits was used by both sides at some points in your trying to suggest how I ask these questions, but I've done the best I can. Your failure to make any further comments is not a problem. All rights are preserved. All positions are preserved, and we will now move forward to examination of the juror.

Let me explain how ---

Yes, sir.

MR. HARPOOTLIAN: Your Honor, I have one other thing I'd like to put on the record.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Your Honor, I'd move for a continuance. Might I state, state the grounds?

THE COURT: Yes. Of course.

MR. HARPOOTLIAN: Your Honor, what we're determining is this. These jurors over the next -- today and on Monday will be asked did Ms. Hill say anything. I mean, the way you're going to ask it -- if so, what did she say -- and it's unclear as to whether or not you are going to allow us -- well, A, that she's going to be required to testify. And B, if so, will you examine her? Will we examine her?

THE COURT: You talking about the clerk of court?

MR. HARPOOTLIAN: Ms. Hill, yes, ma'am.

THE COURT: Thank you for asking that question. I had intended to go over how we're going to operate on Monday after this examination was complete, and we'll do that. But let me just tell you I certainly anticipate that the State will put this witness up, and you will cross-examine this witness. Because there is still some uncertainty about what the testimony will be, I will be flexible with the State about how they examine this witness, and I will

be flexible with you about how you examine this witness. I reserve the option of asking questions myself at the end if there are things I think have not been covered that need to be covered. But each side will be able to examine the clerk of court.

MR. HARPOOTLIAN: Your Honor, to that end, and that's one of the reasons ---

THE COURT: Now, I've said certain things before about the parameters of what I think needs to be considered in this matter. And I'm not going to go back over all that at the moment, but there may be some limitations on what can be asked Ms. Hill because I don't think -- these questions are aimed at two things. Showing -- well, the questions are aimed at showing what, if anything, the clerk of court said to these jurors that might bear on the merits of the matter before they rendered their verdict.

But in addition to that, there are certain questions that are going to be asked that you say goes to the credibility of the witness. I think I am able to fully examine the credibility of the witness without going through everything that has entangled her since the close of this case, and we've already talked about all that.

Just let me finish ---

MR. HARPOOTLIAN: I'm sorry.

THE COURT: --- Mr. Harpootlian, and we can talk some

more about that, but I'm not going to delay this examination to get into the details of the Hill examination.

I have said that only the jurors who sat on this case and rendered the verdict are going to be examined, and I know there's some controversy about that how deeply you want to get into questions that you think arise from interactions with the alternate who was dismissed. I take the position that she was dismissed for things that had nothing to do with this Facebook debacle that took place, and Judge Newman made that ruling, and I am following absolutely exactly what the trial judge ruled. We can talk about that some more later, but I don't intend to right now get into the details. So you will know, yes, you will be able to examine the clerk of court.

MR. HARPOOTLIAN: Your Honor, just two, two minor matters. We would not call any juror about why they were dismissed. That's not what the purpose would be.

THE COURT: I understand the purpose, and you were very eloquent about that both in your written communications and in what you've argued when we were together last. I understand what your position is about that, and I think you understand mine. We can talk about that further later.

MR. HARPOOTLIAN: Okay, just one other matter, and

that is we've recently been furnished by the State -- first of all, we understand the State spent six hours with Ms. Hill preparing ---

THE COURT: I understand. That would be normal, in my view, to spend time with someone you intended to offer as a witness. I see no ---

MR. HARPOOTLIAN: And they've also furnished ---

THE COURT: --- no problem with that.

MR. HARPOOTLIAN: --- to us the affidavit for search warrant which would indicate that Ms. Hill was somehow involved in the wiretapping by her son. We ---

THE COURT: I am not going to get into that. That is a matter under investigation by the authorities; that is not something I'm going to get into. It's the very kind of thing we've already talked about at some length. I am trying to be very cautious, not out of any protection of the clerk of court, but I believe I can make the decisions that need to be made in this case without touching on matters that are the subject of some sort of other official investigation, and I'm trying to stay away from that.

MR. HARPOOTLIAN: Well, Your Honor, under Rule 614(b), we believe we should be able to have full and thorough cross-examination of this witness.

THE COURT: I know. Mr. Harpootlian, two things. You're talking about a motion to continue right now.

MR. HARPOOTLIAN: Yes, ma'am.

THE COURT: I don't need to get into a full examination of all your arguments about the juror -- I mean, about Clerk of Court Hill right now. I'm not going to do that.

MR. HARPOOTLIAN: Well, we can't be permitted to cross-examine her without additional time. We're just getting information from the State this week.

THE COURT: Well, I deny the motion to continue, respectfully.

MR. HARPOOTLIAN: Yes, Your Honor. Thank you.

THE COURT: All right. Now, what will now happen is that the juror will be brought forward. Her attorney is in the witness -- -- is in the jury box on the back row. He will not be permitted to interrupt the proceedings or interject any kind objection, anything of that kind. He escorted her here and for her comfort, I have allowed him to be here. I can assure you the bailiff has been with her at all times. Mr. Bland has very much honored my request that no conversation be had amongst them about her testimony in this case at this time.

So, Officer Door, would you bring the jury forward? Thank you.

Be at ease.

(A PAUSE.)

(JUROR X ENTERS THE COURTROOM.)

THE COURT: Good morning.

I will be referring to this juror as Juror X.

Juror X, let me give some preliminary remarks about this matter to you. You have been subpoenaed to come forward with testimony in connection with a motion by the defendant for a new trial. Normally these kinds of hearings like the one I'm conducting today would be done right after the verdict is rendered because that's generally when issues like this come up. This is almost a year after your verdict, and I'm very sensitive to how difficult that must be for any of the jurors in this case, including yourself.

Please understand to begin with you have done absolutely nothing wrong. You discharged your duties as you were asked to, and I respect that, but I must conduct a hearing to explore the issues that have been raised, and I intend to do that.

You will be sworn, and then you will take the witness box, and I will ask you some questions. I am the only one who will ask you some questions. When those questions are complete, I will ask you to take your seat in the jury box. After everything is completely closed about your testimony, then you may leave or stay as you wish, but your attorney is with you, and your attorney will escort you to the

secure arrangements that have been made, and I hope you have a very good time with your Bible study class and the engagement you have for next week.

So, swear the witness.

JUROR X, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

CLERK: Thank you. Have a seat right there.

EXAMINATION BY THE COURT:

Q. Juror X, you rendered a verdict on March 2, 2023, in the matter of the State of South Carolina against Richard Alexander Murdaugh. The verdict was read in open court, signed by the foreperson of the jury. The court then said:

> Madame Forelady and members of the jury, if this is your verdict, if this is your verdict of each and every juror, please let it be known by raising your right hand.

The transcript then indicates the jurors complied. The jury was then individually polled and each was asked: Was this your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, sir, Your Honor.

Q. Speak up so that the ---

A. Yes, Your Honor.
Q. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?
A. Yes.
Q. Did you hear Ms. Becky Hill, the clerk of court for Colleton County, make any comment about the merits of this case before your verdict?
A. No, ma'am.
Q. Was your verdict on March 2, 2023, influenced in any way by any communications by the clerk of court, Becky Hill, in this case?
A. No, Your Honor.
Q. And a final question I have for you. There was some issue raised at one point about your private meetings with the clerk of court. Did those -- and it doesn't sound like they were of long duration -- but private meetings with the clerk of court, were those about any issue other than the procedure involved with the case?
A. It was about a different matter. It was nothing to do with the case.
Q. All right.
THE COURT: Thank you, ma'am. You may return to the jury box.
(JUROR X EXITS THE STAND.)
THE COURT: That concludes the questioning of the

Court. Madame Juror, Juror X, I'd like for you now to accompany your lawyer and the bailiff to the jury room. Please go to the jury room for a moment, and then I will indicate that you can come back and watch the rest of these proceedings or be dismissed at your preference. You may retire from the jury box.

(JUROR X EXITS THE COURTROOM.)

THE COURT: All right, anything further from the State?

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: From the defendant?

MR. HARPOOTLIAN: Your Honor, we were furnished a momentum from Mr. Waters this morning I'd like to publish to you.

THE COURT: Certainly.

MR. HARPOOTLIAN: It says:

> Per Chief Attorney -- Chief Attorney Waters, please be advised that attorney for Juror 826 has told us that his client says that prior to the defendant's testimony, his client did hear clerk say words to the effect of, quote, looks like the defendant is going to testify. This is an important day or this is an epic day. It was some statement that it was rare for a defendant to testify.

THE COURT: All right, sir.

MR. HARPOOTLIAN: So, again we go back to the -- I think that the jurors have difficulty understanding what the words merits means. I ask you to ask her about this. This is from her lawyer; this is not something we got.

And secondly, when she said it had nothing -- when they had a discussion private, it was not about the case, maybe she doesn't understand what merits is. We'd ask you to inquire what those discussions were about. And I don't -- let me hand this up to the court to -- so you have exactly what we were told by Mr. Waters that her lawyer said.

THE COURT: Mr. Waters.

MR. WATERS: Your Honor, again, yes, that was relayed to me by her lawyer. So, of course in keeping with our obligations, we provided that to the defense.

As to Mr. Harpootlian's specific points, again we think the inquiry is self-evident and the questions are adequate, and I think merits is a self-explanatory word. And so we believe the inquiry the Court has conducted is sufficient and for this particular juror is, is enough to get to the heart of the issue that needs to be addressed before the Court.

THE COURT: Very well. You may be seated.

Mr. Bland, please notify the bailiff that I would like

to have the juror come forward again.

MR. BLAND: Yes, ma'am.

THE COURT: Thank you.

(A PAUSE.)

(JUROR X REENTERS THE COURTROOM.)

THE COURT: Juror X, will you take the witness stand again, and remember that you're still under oath.

EXAMINATION BY THE COURT:

Q. I have asked the attorneys for any further commentary about the questions I asked, and I have been asked to ask one more question, and I'm going to do that.

I'm going to read you a memorandum sent by the State to counsel for the defense and then ask you about it, all right?

> Per Chief Attorney Waters, please be advised that the attorney for Juror X has told us that his client says that prior to the defendant's testimony, his client did hear Clerk Hill say words to the effect of, quote, looks like the defendant is going to testify. This is an important day, close quote, or, quote, this is an epic day, close quote, and that there was some statement that it was rare for a defendant to testify.

Juror X, can you verify that what I have read is

something that you heard and told your -- told your attorney?

A. Yes, ma'am.

Q. Very good. Did these statements have any impact on your verdict?

A. No, ma'am.

Q. Very good.

THE COURT: You are dismissed.

(JUROR X EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: All right, Mr. Waters.

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: Subject to all previous objections already lodged, Mr. Harpootlian?

MR. HARPOOTLIAN: No, Your Honor, not as to this juror. I would like to discuss with the court some logistics for next week.

THE COURT: Sure. We'll have a full discussion of the logistics for Monday as soon as we dismiss the juror.

MR. HARPOOTLIAN: We're done with the juror.

THE COURT: Thank you, sir.

MR. HARPOOTLIAN: Subject to our previous -- previously made objections.

THE COURT: Very good.

Mr. Bland, you may go to your client now and notify her, number one, she's free to leave. Number two, please

honor the instructions that I've given with respect to discussing this matter with other jurors. Thank you so much.

All right, let's talk about what happens on Monday. My scenario about this is that of course the jurors will all be escorted securely to the jury room. I do not propose to have their lawyers with them in the jury room. I do propose to have a bailiff in there. I think there's kind of comfort in numbers, so I don't think they need an individual escort into the jury room, but a bailiff will be with them.

I would call them one by one. I will try to come up with some Xs, Ys, and Zs to enumerate, and I ask that when we deal with questions for them that whatever the key is I develop will be one you use for these jurors, and I will get that to you sometime today, I hope.

I would bring the jurors to the jury box and give them instructions as I gave and remarks as I gave to this juror today. I will then send them to the jury room, and one by one I will call them to be examined. When a juror is examined, the juror will then be seated in the jury box, and I will go through the numbers until we examine all the jurors. Then I will receive, of course, any further information that is needed from y'all, and then the jurors will be dismissed or allowed to remain in the jury box for

the testimony of the clerk of court at their desire.

Then the clerk of court would be offered. I would propose that she be directly examined by the State, but I again say to the State I will be very flexible about how that examination is done because of the circumstances in which we find ourselves. And I will do the same for the defense and allow brief cross-examination.

But I will be very sensitive about not straying into areas that simply are further indication of what defense contends is her lack of credibility and her motive for doing whatever it is they say she did. I think I am able to evaluate both of those things and make a determination from that. That is, motive testimony and testimony as to what exactly was said and done without exploring the full breadth of matters that may be under examination by other authorities. I don't want get into that and inadvertently start a proceeding here that would interfere with any other investigation that is being made in connection with this matter. So, I'm sensitive about that, and I'll try to do the very best I can. That's all I can do.

And you, of course, will be free to lodge whatever disagreement with the way I proceed you care to and have it fully preserved on the record. I have the great comfort of knowing that I am simply the trial judge in this matter, and others who will evaluate these matters on appeal, as it

should be.

I have not found another case in South Carolina's jurisprudence that is exactly like this. So, there's plenty of room for guidance from the Court of Appeals and Supreme Court if they choose to do that. And I am very comfortable with that and anything you wish to put in the record that would aid in your position about these matters.

All right, that said, what things am I not covering, Mr. Waters, that you would want covered about the procedure from the State's point of view?

MR. WATERS: I believe we understand Your Honor, and everything that you've indicated is acceptable to us. Obviously, we've made arrangements to get the jurors here and brought in in a secure fashion, and obviously we're certainly comfortable with them being in a room together if there's a bailiff there instructing them, of course, not to talk about the merits of anything for this proceeding.

And we certainly understand your Court's ruling as to the examination of the clerk. We're prepared to proceed and obviously as we develop, make whatever objections we think are appropriate, but we're comfortable with the Court's procedure.

THE COURT: Thank you, sir.

Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor, who is transporting the

jurors here?

THE COURT: Sir?

MR. HARPOOTLIAN: Who's transporting the jurors here?

THE COURT: SLED, I think, or ---

MR. WATERS: Your Honor, we obviously gave the jurors that option. I believe that there may be one that is -- that is getting a ride, but other than that, the other jurors are transporting themselves. However, just like we did at trial, they will meet at an undisclosed location off site, and then the -- SLED will escort them in through a security entrance so that they ---

THE COURT: Yes, that is what I had understood, Mr. Harpootlian, is the State has provided a gathering point for them that is at a distance from having to put up with the traffic and the confusion of the courthouse, and they will then be brought to the courthouse and placed in -- and come through the secure entrance and be placed in the jury assembly room. That's how it will be handled.

MR. HARPOOTLIAN: Your Honor, I just state this for the record, and it's going to be an objection I'm going to have to make over and over again. SLED was the original investigating agency. They were the prosecutors, and they continue to interview jurors. Same agency. There's no Chinese wall provision as we would do in private practice via Chinese wall. There's no Chinese wall.

I don't -- I'm not sure you can even use that term anymore. I think they call it ethical barrier. Took a deposition in San Francisco not long ago and used that term and got my hat handed to me, if you will.

So -- but there's no such provision in, in -- apparently at SLED. So, it's -- it, it raises questions about the integrity, not of the State but of the process, which should be avoided. That's number one.

Number two, when we examine Ms. Hill, we understand -- we have a rendition of a statement that was taken, a sworn statement, and then notes from a subsequent ---

Are there notes from the interview this week?

MR. WATERS: There was a, a prep meeting, but even though that was a prep meeting with the attorneys, I, as I always have, will provide the defense with anything I that believe is in addition to that which has already been provided. And so we, as we always do, will do that.

MR. HARPOOTLIAN: And I don't want to ---

MR. WATERS: We conducted this investigation with independence and integrity, and all the SLED agents have been instructed, Your Honor, that they are in no way to do anything but gather the facts, good, bad, or ugly. The SLED agents that will be transporting the jurors are instructed -- strict instructions not at all to discuss the matter of the case. We've been very mindful and careful to

ensure that there is no thumb on the scale in this inquiry, and we will continue to do that.

MR. HARPOOTLIAN: And let me state for the record I have no question about Mr. Waters's integrity, his intentions. Not so much with the police officers. That's, that's my experience, having stood in this courtroom many years as a prosecutor. Sometimes law enforcement officers become overzealous to protect the arrest they made, whether it be in a motion to suppress or otherwise. I'm not saying the attorneys in this case in any way have put their thumb on the scales. I just to the extent that you -- Chinese wall to the extent that you keep folks insulated I think is a good thing.

The second thing is this. You know, it took about fifteen minutes to do this juror. So, we do eleven more jurors, it's going to take two and a half to three hours with, with breaks, I would think, which means we start at 9:30, we probably break for lunch, and then come back and do Ms. Hill. It would be -- does that sound reasonable?

THE COURT: Yes.

MR. HARPOOTLIAN: Okay, and we may attempt to call witnesses after Ms. Hill. Obviously, Your Honor will have to decide at that juncture whether they are appropriate or not, but we may want to make a brief proffer on the record of what they would say. I think we only have one.

THE COURT: Okay. I'm going to give you some flexibility about that, Mr. Harpootlian. I ruled out having testimonial proffer in this case and told you I wanted it submitted in written form or otherwise. If you choose to put it on the record in verbal form, I won't prevent that, but I'm not going to take -- I'm not going to take up a big block of time taking ---

MR. HARPOOTLIAN: Should, should ---

THE COURT: --- all kind of other testimony.

MR. HARPOOTLIAN: Should not. The problem is the written -- when we submitted written affidavits won't accommodate like the thing we heard this morning. I mean, things come up in Ms. Hill's testimony or other jurors' testimony that may be relevant. I mean, the person we have who has given an affidavit is not the so-called egg lady, okay.

THE COURT: Well, I understand that, and I'm not going to make you recite what you plan until the opportunity presents itself after the testimony of Hill is taken. So, know that I would permit some kind of on-the-record proffer. I just don't want to go through a whole bunch of actual testimony in connection. Don't think that's necessary.

MR. HARPOOTLIAN: Your Honor, I will keep it -- I am known for my brevity.

THE COURT: Well, that will be fine.

MR. HARPOOTLIAN: Thank you.

THE COURT: You don't need to make a comment about that, Mr. Waters.

MR. WATERS: I will not make a comment about that, but nothing further from the State, Your Honor. Obviously, there will be bridges that we have to cross when we get to them, and the State will be prepared for that.

THE COURT: Sure. Sure. I understand. I understand that.

MR. WATERS: Thank you, Your Honor.

THE COURT: Any other issues? I am thinking we can conclude this thing Monday, which would be preferable, of course, but I have, as you know, set aside more days if that were at all necessary. But I am very hopeful for everybody's schedule, including yours, Mr. Harpootlian, that we can conclude the matter on Monday.

MR. HARPOOTLIAN: Your Honor, I'm in a hurry to get back to the senate to debate open-carry guns. I am with bated breath awaiting getting out of here and going to do that very important work.

THE COURT: I understand. I may be saving you from some things, but in any event, we'll certainly try to accommodate the other obligations that each of you has.

MR. HARPOOTLIAN: Thank you, Your Honor.

MR. WATERS: Thank you, Your Honor.

THE COURT: All right, anything further?

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: All right, sir. Court will be in recess.

(EMAIL MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 1.)

(WHEREUPON, THE CASE IS AT EASE.)

MONDAY, JANUARY 29, 2024

(COURT RESUMES AT 9:50 AM.)

(WITNESS LIST MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 2. SEALED BY ORDER OF THE COURT.)

THE COURT: Good morning. Please be seated.

Ladies and gentlemen, and I now address these remarks to the members of the press. You have not been completely in accord with what I asked you to do last Friday, but you have all done me the great favor of obeying what I asked you to do with respect to the identity of the jurors, and I thank you very much for that.

We will -- the first order of business after I give some preliminary remarks will be the examination one by one of the jurors, and what will happen is I will bring all of the jurors in to begin with, and they will be seated. I will make remarks to the entire panel. I will then ask that the jury be taken to their jury room, and I will one by one call the jurors and address them, and I will address

them by a letter that I have developed rather than their number.

Now, I realize full well that many of you who attended this trial for many, many weeks probably know these jurors, and I'm not making any further statement about what you do or don't do in terms of identifying the jurors, but I don't want any photographs. I don't want any photographs taken of the jurors by the media.

With respect to the rest of the audience, if you have devices -- cell phones, iPads, or anything of that nature -- please silence them. Please do not use them. The press is allowed to use their devices in order to make notes, but the press is not making any photographs either. I have a pool photographer as well as a pool Court TV arrangement, and that's what will be used to photograph, and those materials will, of course, be fed and available to the press.

All right, the jurors are in place in the jury room, Mr. Bailiff?

BAILIFF: Yes, Your Honor.

THE COURT: Very good. Bring me the jurors.

MR. HARPOOTLIAN: If it please the Court, Your Honor? Prior to bringing that jury in, may I put something on the record?

THE COURT: Sure.

Hold for a minute.

Yes, sir.

MR. HARPOOTLIAN: Your Honor, you have a list of questions you distributed to us.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Of course you went through those with Juror...

THE COURT: Z -- or X, X.

MR. HARPOOTLIAN: X. I know it was one of those last letters.

THE COURT: Yes.

MR. HARPOOTLIAN: Juror X, number -- the third question you say: Did you hear Ms. Becky Hill make any comments about the merits of this case before your verdict?

THE COURT: Yes, sir.

MR. HARPOOTLIAN: And clearly the juror didn't understand what the word merits meant.

THE COURT: I disagree with that, but you may make your record about that. I think the juror understood what was being asked. And, frankly, in some of the materials that we've exchanged back and forth about questions, you yourself have used the word merits. So, I don't think she was confused.

MR. HARPOOTLIAN: Well, Your Honor, occasionally I make a mistake, and if you would just, respectfully ---

THE COURT: I understand.

MR. HARPOOTLIAN: --- use the words did make any comment about the case before your verdict. Just leave out their judgment about the merits because they don't know -- merits is a legal word.

THE COURT: I will take what you say into account, but I have already examined one juror using that term, and you now say that that terms confused the juror. You have that on the record and certainly would be able to argue that to any of the appellate courts that review what I do here. But my intention is to use the language that I used with the juror I've already interviewed.

MR. HARPOOTLIAN: But, Your Honor, you went and did a follow-up question at our request which elaborated on what that meant, and, and certainly after you asked that question, we think that clarified it. And you could use merits or anything else about the case and deal with both issues. I just think it's going to require us, based on statements that these jurors have given to SLED, to ask very specific questions.

THE COURT: I understand what you're asking. Let me ask you this, Mr. Harpootlian. Do you happen to have the transcript of Friday's proceedings?

MR. HARPOOTLIAN: I don't think so.

THE COURT: State, do you all happen to have a

transcript of Friday's proceedings?

MR. WATERS: Your Honor, we're looking right now.

THE COURT: Belay that. I've got a copy. Let me look at it for a minute to see what I did in clarification, and so just pause for a moment and let me look at that.

MR. HARPOOTLIAN: Thank you, Your Honor.

(A PAUSE.)

THE COURT: Mr. Harpootlian.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: I look at this transcript, and the only thing I note...

(A PAUSE.)

THE COURT: I said this:

> I asked the attorneys for any further commentary about the questions I asked, and I have been asked to ask one more question, and I'm going to do that. I'm going to read you a memorandum by the State to counsel for the defense and then ask you about it. All right.

And then here's what I read:

> Per Chief Attorney Waters, please be advised that the attorney for Juror X has told us that his client says that prior to the defendant's testimony, his client did hear Clerk Hill say words to the effect of, quote, looks like the

defendant is going to testify. This is an important day, close quote, or, quote, this is an epic day, close quote, and that some statement -- there was some statement that it was rare for a defendant testify.

And then I said: Juror X, can you verify that what I have read is something you heard and told your attorney?

And she said: Yes, ma'am.

Very good. Did these statements have any impact on your verdict?

No, ma'am.

Very good.

I will, I will ask that question. I didn't change the -- well, I've read you what I asked. I will be glad to do that again.

MR. HARPOOTLIAN: Your Honor, different jurors say different things based on the memorandums we've received.

THE COURT: I won't say you told your attorney or anything like that, but I will ask about that statement having been made.

MR. HARPOOTLIAN: Your Honor, just for the record, we believe the term merits is a term of art, just as if you ask them was there probable cause. Again, it -- or anything else. We're not asking you to open Pandora's box.

THE COURT: I hear what you say, and I will take it

into account.

MR. HARPOOTLIAN: Okay. Thank you, Your Honor.

THE COURT: Mr. Waters, anything on your behalf?

MR. WATERS: I do not have anything further, Your Honor. We believe the term is self-explanatory.

THE COURT: Thank you, sir.

All right, just so you know, Mr. Harpootlian, I'll have to go to my screen to do this other, but I will -- the third question will read: Did you hear Ms. Becky Hill make any comment about this case before the verdict?

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: Okay. That's what I'll ask. All right.

All right, Mr. Bailiff, bring me the jury.

(A PAUSE.)

BAILIFF: Your Honor, may I approach?

THE COURT: Yes.

(THE JURORS ENTER THE COURTROOM.)

BAILIFF: Jury is seated, Your Honor.

THE COURT: Thank you very much.

Good morning, ladies and gentlemen of the *State v. Murdaugh* jury. I wanted to make a few opening remarks to you before I questioned each of you about the matter.

You have done absolutely nothing wrong, none of you, not any of you. You didn't ask to serve, but you served and did your duty. This was an unusually difficult trial

because of its length. Six weeks is almost unheard of in South Carolina as the length of a case. It was difficult because of the intense publicity and public interest in the case. It was difficult because of the complexity of testimony and exhibits in the case, and you acquitted yourself honorably. So, this question today is not about anything you did wrong. Please be assured of that. I respect you and I respect your service.

Today I'm going to ask you to do something that is difficult. This case is unique. Most of the time if there's some issue about improper conduct or contact with a juror, it comes up immediately. The judge puts questions to the juror and perhaps to the person who may have made an improper comment, and then you go on to verdict, or sometimes very shortly after the verdict is rendered, and again the judge questions the affected jurors in the supposed interference and makes a ruling right then and there on either a new trial or a mistrial.

Now here we are almost a year after your beginning of service on this case, and that makes it mighty difficult for you to do something I'm going to ask you to do, and it's this. Today I ask you to focus your attention.

(AUDIO PROBLEMS INTERRUPT BRIEFLY.)

THE COURT: What is that? Mr. Bailiff, what is that noise?

BAILIFF: Not sure.

THE COURT: Is that the sound system?

MR. WATERS: I believe is the court's sound system.

THE COURT: This is the funkiest sound system in the world, so we just have to keep up with it. I have had trouble in every case I've ever tried with the sound system. So, jurors, if something happens and the sound system goes haywire, we'll stop for a minute until it stops.

Now as I was saying, I want you to focus your attention as you answer the questions I'm going to ask you on your six weeks of experience as a juror in this case and on the point in the trial where the judge charged you and on your verdict as you rendered it on March the 2, 2023. That's what I want the focus to be.

Again, I know I'm asking a lot to have you cast yourself back into that time, but that's what I'm -- the questions I'm asking are about that time and not about this time. There has been so much drama about this matter since the verdict was rendered, and my heart goes out to everyone, the lawyers and you who are in this trial. That, I can't help, but I've been asked by the Supreme Court to take a look at this issue. The appeal is on pause until I do, and I've got to do my duty as I see it, and you do yours as I know you see it.

So, I thank you very much in advance for, again, a terrible inconvenience of calling you all back together now, but it's very essential to completing the record about this case and placing it before the appellate authorities as it needs to be. So, in advance I thank you.

What I'm going to do now is dismiss you to the jury room, and one by one I will call you and I will refer to you by a letter that I have just assigned you that isn't your jury number and certainly isn't your name. You know, these people in the media saw y'all all through the trial. They probably know who you are, but I'm trying to do my duty as I see it when I make your appearance here anonymous to the record, and only the court reporter will have a sealed document by me indicating what the key means in terms of your juror number and your name.

So, I'm doing, doing everything I can do about this matter, but it goes without saying that your business is your own business. You don't have to interview with a soul, not lawyers, not media, not anyone after this matter. That choice is purely yours, and I will respect that and protect that to the best I can if anything comes up afterwards.

All right, you may go to the jury room.

(THE JURORS EXIT THE COURTROOM.)

THE COURT: All right, Mr. Bailiff, bring me Juror Z.

MR. HARPOOTLIAN: Your Honor, could I ask -- one other matter?

THE COURT: Yes, sir.

MR. HARPOOTLIAN: One of the individuals sitting in the jury box called this -- the next one, the next juror liar publicly. I'd ask that he -- that would be Mr. Bland and his partner, cohort -- not sit behind her or near her while she's testifying.

MR. BLAND: I, I object.

THE COURT: Well, just ---

MR. HARPOOTLIAN: Your Honor.

MR. BLAND: Don't ever say ---

MR. HARPOOTLIAN: I'd object to ---

MR. BLAND: --- that I called anybody a liar.

MR. HARPOOTLIAN: --- him speaking.

THE COURT: One moment. One moment. We're not going to have a big colloquy about this.

You keep your seat for a moment, Mr. Harpootlian.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: Mr. Bland, you do the same.

Mr. Bender, is there a seat over next to you?

MR. BENDER: There is.

THE COURT: Mr. Bland, will you go over and sit next to Mr. Bender, please? Thank you.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: For the record, I have some people in the jury box. Two of them are SLED agents, one of them is the media consultant, and one of them is attorney for several of the jurors, Mr. Bland, and that's being done at my direction.

MR. MONGILLO: And, Judge, you also have Scott Mongillo of Bland Richter also in the jury box.

THE COURT: Very good. Yes, sir. That's fine.

All right, bring me Juror Z.

(JUROR Z ENTERS THE COURTROOM.)

THE COURT: Juror Z, you may take the witness box after you are sworn. Step over here to the clerk, and she will administer the oath.

JUROR Z, BEING DULY SWORN, TESTIFIES AS FOLLOWS:

CLERK: Thank you. Please have a seat on the witness stand.

EXAMINATION BY THE COURT:

Q. Juror Z, I will ask you some questions, and there are no right or wrong answers. The truth is what I seek, and that is the truth of what you experienced in relation to these questions at the *State v. Murdaugh* trial.

You rendered a verdict on March the 2, 2023. That verdict was made in open court by the foreperson of the jury, and then the Court said this:

Madame Forelady and members of the jury, if that is your verdict of each and every juror, let it be known by raising your hand.

The transcript then indicates that the jurors complied. The jury was individually polled, and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate statement about your verdict at that time?

A. Yes, ma'am.

Q. All right. Was your verdict based entirely on testimony, evidence, and law presented to you in this case?

A. Yes, ma'am.

Q. Did you hear Ms. Becky Hill make any comment about this case before your verdict?

A. Yes, ma'am.

Q. If yes, what did Ms. Hill say?

A. To watch his actions.

Q. To watch his actions. What else?

A. To watch him closely.

Q. To watch him closely. Anything else you remember?

A. There is, but I can't remember.

Q. Okay. That's fine, and was your verdict on March the 2, 2023, in any way -- with any -- influenced in any way

with any communications by the clerk of court, Becky Hill, in this case? Want me ---

A. Yes, ma'am.

Q. --- to read it again?

A. Yes, please.

Q. All right. Was your verdict influenced in any way by the communications of the clerk of court in this case

A. Yes, ma'am.

Q. And how was it influenced?

A. To me, it felt like she made it seem like he was already guilty.

Q. All right, and I understand that, that that's the tenor of the remarks she made. Did that affect your finding of guilty in this case?

A. Yes, ma'am.

Q. All right. Be at ease.

THE COURT: Those are my questions as submitted to the juror. Are there any reactions, further questions, and so forth? If there are and you would like to voice them, I can ask the juror to retire to the jury room. Just tell me whether I need to do that.

MR. WATERS: Your Honor, Court's indulgence one moment?

THE COURT: All right, sir.

(A PAUSE.)

MR. HARPOOTLIAN: Your Honor, could we ask the juror to -- we need to put some things on the record.

THE COURT: All right. Take the juror to the jury room, please.

(JUROR Z EXITS THE COURTROOM.)

THE COURT: Mr. Waters.

MR. WATERS: Yes, ma'am. Your Honor, in the affidavit that was given by this particular juror, paragraph 10 said:

> I had questions about Mr. Murdaugh's guilt, but I voted guilty because I felt pressured by the other jurors.

We would request an inquiry as to that, which is how when this motion was filed she expressed the basis for her verdict, which obviously this answer is a little different now. We would request a brief inquiry from the Court as to that specific issue.

THE COURT: All right.

MR. WATERS: Thank you, Your Honor.

THE COURT: Mr. Harpootlian.

MR. WATERS: Your Honor, as to two things. The first thing is he is correct. She gave an affidavit. We would ask Your Honor to let her read her affidavit to refresh her memory of -- she said other things. They're very detailed in here. We'd ask you to -- and let me hand up to the Court a copy of her affidavit. I'd ask you to have her

read it before she's asked any ---

THE COURT: What I have here, Mr. Waters, for the record, Mr. Waters, what I've been handed for the record is something, affidavit of Juror now referred to as Z. It was taken August the 14, 2023. It was sworn before Holli Miller, paralegal for Mr. Harpootlian, and he would like for me to give that to the juror and ask her to read it and then ask her about it. I'm inclined to do that, but I want to hear from you first.

MR. WATERS: Your Honor, again, if they want to refresh her recollection, that's fine with the State. We have no objection to that.

THE COURT: Very good. It will be done.

MR. HARPOOTLIAN: Your Honor, also we would ask that you not ask the question that, that Mr. Waters asked you to ask because it violates Rule 606(b) which provides:

> Upon an inquiry of the validity of a verdict or indictment, a juror may not testify to the effect of anything upon that or any other juror's mind or emotions.

THE COURT: What was the question he asked?

MR. HARPOOTLIAN: The last -- if you look at that affidavit ---

MR. WATERS: It's paragraph 10, Your Honor.

MR. HARPOOTLIAN: Paragraph 10.

MR. WATERS: It's in the very affidavit he ---

MR. HARPOOTLIAN: She said she was influenced by other jurors.

THE COURT: Yeah.

MR. HARPOOTLIAN: Okay.

THE COURT: I'm going to ask her about that. I'm going to give her the affidavit, and then I'm going to question her about it.

MR. HARPOOTLIAN: We would for the record to indicate that we object to that under 606(b).

MR. WATERS: And, Your Honor, from our perspective, she's put in ---

THE COURT: Now, you're the one that asked me to have her look at this affidavit, but you're telling me I can't question her about it? I deny ---

MR. HARPOOTLIAN: Not at all.

THE COURT: I deny that objection.

MR. HARPOOTLIAN: Your Honor, if it's something that's inadmissible, you should not ask her about it.

THE COURT: Well, you want me to admit it and have her examined on it.

MR. HARPOOTLIAN: No. I want you to have her read it to refresh her memory about it.

THE COURT: Well, we're quibbling, Mr. Harpootlian. We're quibbling about things that I'm not going to take

time to quibble about. My ruling is pursuant to your request. I am going to allow the juror to examine her affidavit, and then I'm going to question her about it. That's my ruling. Your objection is overruled.

MR. HARPOOTLIAN: For the record, I just want to note, Your Honor ---

THE COURT: You've noted 606. I hear you. Noted.

MR. HARPOOTLIAN: And am in no way waiving anything or opening any door by asking you ---

THE COURT: Well, that's for ---

MR. HARPOOTLIAN: --- to examine her ---

THE COURT: --- a higher court to decide.

MR. HARPOOTLIAN: Well, I understand that. That's why I want to make sure when they read this transcript there's no confusion. I'm not asking you to put that into evidence. I'm asking you to ---

THE COURT: Well, I don't see how in the world I can question the juror about something and not put it into evidence. You can't have your cake and eat it, too, Mr. Harpootlian. You could have been very satisfied with the answers that were already given, but you have chosen to ask -- to ask ---

MR. HARPOOTLIAN: Withdraw the request.

THE COURT: Denied.

MR. HARPOOTLIAN: Your Honor, all the time we ask

witnesses ---

THE COURT: Mr. Harpootlian.

MR. HARPOOTLIAN: --- to examine a prior statement.

THE COURT: Mr. Harpootlian, I made my ruling. Please take your seat.

All right, bring me Juror Z.

(JUROR Z RETURNS TO THE COURTROOM AND RETAKES THE WITNESS STAND.)

BAILIFF: Juror is seated, Your Honor.

EXAMINATION BY THE COURT:

Q. Madame Juror, you gave an affidavit to a representative of Mr. Harpootlian on August the 14, 2023. And I have this in my hand at the present time, and I'm going to hand it to you, and I'm going to ask that you read it. Tell me when you've completed reading it, and then I'm going to ask you some questions.

You're going to see four little boxes on this affidavit. They are your name and the names of two of the jurors. I will strike that out before it appears in the record.

A. Okay.

Q. Just so you understand.

Mr. Bailiff, please pass this to the juror.

Q. Take a moment to read this.

A. To myself?

Q. Yes, ma'am.

(A PAUSE.)

A. Okay.

Q. Very good. The second -- the first paragraph, of course, is the statement that you were in the case. Second paragraph says:

> Toward the end of the trial, after the Presidents' Day break but before Mr. Murdaugh testified, the clerk of court, Rebecca Hill, told the jury, quote, not to be fooled, unquote, by the evidence presented by Mr. Murdaugh's attorneys, which I understood to mean that Mr. Murdaugh would lie when he testifies.

Is that what your recollection is of that statement?

A. Yes, ma'am.

Q. Is there anything in the statement that on reflection you think is not correct?

A. No, ma'am.

Q. All right. Number 3:

> She also instructed the jury, quote, to watch him closely, quote, immediately before he testified, including, quote, look at his actions, quote, and, quote, look at his movements, quote, which I understood to mean he was guilty.

Is that an accurate recitation of your view of the

matter?

A. Yes, ma'am.

Q. Number 4, paragraph 4: Immediately after he testified, the foreperson said Mr. Murdaugh was crying on cue. Is that an accurate statement of what you saw and heard?

A. Yes, ma'am.

Q. 5:

> The foreperson criticized the former foreperson for handing Mr. Murdaugh a box of tissues when he was crying on the stand while testifying about his murdered son. She told the jury we cannot interact with Mr. Murdaugh because that's what the defense wants us to do.

Do you still stand by that recitation of that conversation?

A. Yes, ma'am.

Q. All right. Number 6: The jury frequently discussed the case during breaks before deliberation. Is that correct?

A. Yes, ma'am.

Q. All right. Number 7: Toward the end of the trial, Ms. Hill came into the jury room a lot. Is that your recollection?

A. Yes, ma'am.

Q. Ms. Hill and the foreperson had private

conversations on multiple occasions. The foreperson would tell the bailiff that she needed to speak with Ms. Hill. Ms. Hill would arrive, and then she and the foreperson would go to another room for a private conversation. The conversations typically lasted five to ten minutes. The foreperson never said anything about the content of the conversation. For example, she never communicated logistical information after these conversations. This happened two or more times, more frequently towards the end of the trial.

Is that still your recollection of the interaction?

A. Yes, ma'am.

Q. 9:

When we began deliberations, Ms. Hill told us this shouldn't take us long, quote, and if we deliberated past 11 PM, we would be taken directly to a hotel. We had driven from our homes that morning and were not prepared to stay overnight. Additionally, smokers on the jury asked to be allowed to take smoke breaks, but they were told they could not smoke until after the deliberations were complete.

Did you hear that?

A. Yes, ma'am.
Q. Including the business about the smokers?
A. Yes, ma'am.
Q. All right. Number 10: I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors. Is that an accurate statement about your verdict?
A. Yes, ma'am.
Q. After the verdict and immediately before sentencing, Ms. Hill pressured the jury to speak as a group to reporters from a television show.

Was -- is that an accurate statement of what she said?
A. Yes, ma'am.
Q. And did jurors, some jurors decline to do that?
A. Yes, ma'am.
Q. All right.

(A PAUSE.)

Q. Juror Z, I asked you previously was your verdict on March 2, 2023, influenced in any way by communications from Becky Hill, the clerk of court. You answered that question yes. In light of what you said in the affidavit, which is:

I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors.

Is that answer that I just read a more accurate

statement of how you felt?

MR. HARPOOTLIAN: Object to the form, Your Honor.

THE COURT: Overruled.

A. Yes, ma'am.

Q. All right. So, you do stand by the affidavit?

A. Yes, ma'am.

Q. Very good.

THE COURT: Thank you. You may go to the jury room, and let me just explain to you what the procedure will be. I'm calling the rest of the jurors, of course, one by one. When I am finished with that, I will bring you out as a group one more time, and then you are free to leave. You don't have to stay, okay?

WITNESS: Okay.

THE COURT: Very good. You may go to the ---

MR. HARPOOTLIAN: Please the Court, Your Honor?

THE COURT: --- jury room.

MR. HARPOOTLIAN: Before you excuse her.

THE COURT: What's that?

MR. HARPOOTLIAN: Before this juror is excused but after she steps out, I'd like to ---

THE COURT: All right, you may be excused.

(JUROR Z EXITS THE STAND AND EXITS THE COURTROOM.)

MR. WATERS: Your Honor, I, just very quickly, I do have a redacted copy I can hand up to the Court if you want

to make that use of the Court's Exhibit.

THE COURT: That's good. What I'm going to try to do is redact as I did in the -- as you did in the document that you sent me, the identifying things.

Redacted now?

MR. WATERS: I have one right here, Your Honor.

THE COURT: Oh. Oh good. That's great. That would be wonderful.

MR. WATERS: May I approach?

THE COURT: Sure. Show it to Mr. Harpootlian.

MR. HARPOOTLIAN: I've seen it.

THE COURT: Very good. Thank you. That's the one I will give to the court reporter, but I think you can see that I asked off of it. This is a Court's Exhibit, Court's Exhibit 3.

(AFFIDAVIT OF JUROR Z MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 3.)

MR. WATERS: Your Honor, just to be clear, that does still have the juror numbers in it. It might not have the letters.

THE COURT: Yes.

What I'd ask you to do, Elizabeth, is take off the juror numbers, just strike them through, and then where it says affidavit of juror and gives a number, just strike that out and put in pen Z. Thank you.

Yes, sir, Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor, we objected to the questioning because this juror gave two statements under oath, one in an affidavit and one here to you today. The one here to you today was Becky Hill influenced her verdict.

THE COURT: Yes.

MR. HARPOOTLIAN: The one she gave in an affidavit six months ago was based on jurors. It could be both. Your Honor picked out the one in the affidavit from six months ago and said is that a more accurate statement. That presupposes and suggests to her what she should say. And we believe that this, this juror's testimony -- and, Your Honor, I'm afraid what you're going to say is, well, she said the affidavit was more accurate than what she testified under oath here today and, therefore, I'm not going to consider her testimony, and I think that's where we're heading here.

I'd ask you to bring her back in, explain to her there's nothing wrong with it both being true.

THE COURT: I decline to do that and overrule the objection.

All right, Mr. Bailiff.

BAILIFF: May I approach?

THE COURT: Yes, sir.

(OFF-THE-RECORD BENCH CONFERENCE.)

THE COURT: Be at ease.

(OFF THE RECORD.)

THE COURT: Come to order. Come to order.

Counsel, I have to report this to you, and I am very, very unhappy about it, but there's nothing to do but put it on the record, and I then will proceed with questioning the rest of the jurors.

The jurors' cell phones were not confiscated or taken from them, and they tuned this thing in on Court TV and listened to all what just went on. So, you may make whatever statement you like to make, and then I'm going to go on and question the jurors.

I will tell you in advance I am not going to stop the proceedings or do anything to interrupt; I'm going to get the rest of this on the record. You might imagine that they no longer have their cell phones with them.

MR. HARPOOTLIAN: Your Honor, may we have a five-minute recess to discuss what we need to put on the record?

THE COURT: I'm not going to take all day on this thing.

MR. HARPOOTLIAN: Well, Your Honor.

THE COURT: I report things as they come to me. I will give you a couple of minutes, and then we're going --

they were late getting here. I didn't get to start on time like I wanted to. So, I need to just calm down a little bit, but I tell you. Don't take any long time.

Court will be in recess for five minutes.

(OFF THE RECORD.)

MS. SCHILLACI: Your Honor, may I approach?

THE COURT: Just a minute.

Now, you're about to do something that I have already said I'm not going to allow to happen, and that is you've got standing next to you a member of the team that represents the juror, and I can tell you, Mr. Harpootlian, I'm not -- I made a ruling early on that when Mr. McCulloch was in court and when Mr. Bland was in court that I was not going to allow -- I allowed their attorneys to participate in formulating the procedure for this hearing. But I have not -- I indicated that I would not allow the jury -- the lawyers for jurors to participate in this hearing. And so I'm not going to do that. I can just tell you that. And if what you want to do is by indirection tell me what the lawyers for the juror would say, I'm not going to accept that.

MR. HARPOOTLIAN: Your Honor, my understanding is she would like to approach to ask if the juror could be excused.

THE COURT: No, not yet.

MS. SCHILLACI: Your Honor, I actually approached ---

THE COURT: Now, Mr. McCulloch can be excused. There are still plenty of you lawyers, and you can do it. I didn't want him to come to begin with. So, I love him dearly and he can go any time, and I speak on behalf of Amy McCulloch, his wife, when I tell you that.

MS. SCHILLACI: Your Honor, I actually was here to let both of them know that I was going to ask to approach about a security issue.

THE COURT: All right. Well, come up here. Lord knows, I tell you what. Murphy's Law: what can go wrong will go wrong at the worst possible time, and Murphy was an optimist.

Please be seated.

(OFF-THE-RECORD BENCH CONFERENCE.)

THE COURT: Be at ease for a moment.

(OFF THE RECORD.)

THE COURT: Please be seated.

Let me place upon the record two things. First of all, I have made certain now that a bailiff will be in the jury room with these jurors. While I announced that many times that is the way it was to run, why there wasn't a juror -- in the jury room is something I don't know, but I have asked that to be followed rigidly.

I've also asked -- I don't go into jury rooms. Never

have and never will, but I asked the bailiff to tell the jurors that they are not to discuss any testimony that any of them were giving.

I asked Juror Z whether she was comfortable because I would be glad to place her in a separate room so that she's not set upon by the rest of the jurors. She gave me a big smile and said she is perfectly comfortable. I said at any time you are not comfortable, you simply tell me and I will have you placed in either my office or another jury room. So, that's the way I left it with Juror Z. I think she's fine, but I just wanted to make sure of that.

And again, on the record, that conversation I had with her was outside the jury room. I don't go into the jury room for any reason.

Very good. Mr. Bailiff.

Yes, sir.

MR. HARPOOTLIAN: For the record, Your Honor, we would ask as juror are brought in, we would ask that you ask them if they watched or heard anything this morning from their cell phones or other jurors about what occurred in here this morning with Juror Z and if so, what was it.

THE COURT: I'm going to say, ask each one of them something about this. Whether it's exactly what you want, I don't know, but I will ask them something about this or make some direction to them about it. I'm not going to get

into who shot John about what they said in that jury room today. I'm not going to do that, but I will try to, as best I can, deal with this question of who of them heard parts of the examination of Juror Z.

MR. HARPOOTLIAN: Your Honor, this morning I think you already instructed them not to discuss this matter.

THE COURT: I have.

MR. HARPOOTLIAN: So if they have violated that, again I think it's important for you to make that inquiry.

THE COURT: I'm going to make it as I see fit.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: Yes, sir. All right.

Bring me Juror C.

BAILIFF: C?

THE COURT: Juror C.

(JUROR C ENTERS THE COURTROOM.)

JUROR C, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

CLERK: Have a seat.

EXAMINATION BY THE COURT:

Q. I will address you as Juror C because I redesignated from your juror number at Colleton to letters of the alphabet. I am trying to protect the anonymity of the jurors as best I can. I can't promise you with all the time that they spent seeing you all in the trial of the

case that they won't figure out who is who. But on my record here, which is all I can control, I will address you as Juror C.

A. Yes, ma'am.

Q. And before I begin, I understand that there may have been some cell phones activated in the jury room and the watching of the questioning of Juror Z. Did that take place?

A. I know people were on cell phones, but I'm not sure of what they were watching.

Q. Were you on a telephone?

A. No, ma'am, I was not.

Q. Very good. I don't think I have to go any further. Thank you, sir.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury, and the Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your hand.

The transcript then indicated that the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, ma'am.
Q. All right. Was your verdict based entirely on the testimony, evidence, and law presented to you in the case?
A. Yes, ma'am.
Q. Did you hear Becky Hill, the clerk of court of Colleton County, make any comment about this case before your verdict?
A. No, ma'am. I wasn't privy to any of that.
Q. All right, sir. Was your verdict on March the 2, 2023, influenced in any way with any communications by the clerk of court, Becky Hill, in this case?
A. No, ma'am, it was not.
THE COURT: Very good. That completes my questions. You may retire to the jury room.
WITNESS: Thank you.
(JUROR C EXITS THE STAND AND EXITS THE COURTROOM.)
(A PAUSE.)
THE COURT: Bring me Juror F.
BAILIFF: F?
THE COURT: That's right.
(JUROR F ENTERS THE COURTROOM.)
JUROR F, BEING DULY SWORN,
TESTIFIES AS FOLLOWS:
EXAMINATION BY THE COURT:
Q. Good morning.

A. Good morning.

Q. I have designated the jurors by a letter, and that's how I will be addressing you this morning, and I will be addressing you as Juror F.

Now, I realize that you folks were on the jury for a long time, over six weeks, and people may know who you are despite my efforts to protect this record. But to the extent I can, I will protect this record and your anonymity as a juror in this record. So, I just wanted you to understand why I am addressing you as Juror F.

This morning it was brought to my attention that some jurors were perhaps on their phones listening or looking at a broadcast of the questions to the first juror I examined, Juror Z. Is that something that you know anything about or experienced?

A. Yes, ma'am.

Q. Did you activate your own phone?

A. Another juror did.

Q. All right, and will what you saw and what you looked at it in any way affect your testimony as you are about to give it?

A. No, ma'am.

Q. Very good.

You rendered a verdict on March the 2, 2023. The verdict was read in open court and signed by the foreperson

of the jury. The court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your hand.

The transcript then indicates that the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? Each juror answered yes.

Was your answer an accurate answer about your verdict at that time?

A. Yes, ma'am.

Q. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?

A. Absolutely.

Q. Did you hear Ms. Becky Hill make any comment about this case before your verdict?

A. No, ma'am.

Q. Was that -- was your verdict on March the 2, 2023, influenced in any way by any communications by the clerk of court, Becky Hill, in this case?

A. Absolutely not.

Q. Very good.

THE COURT: That's all the questions I have.

MR. WATERS: None from the state, Your Honor.

MR. HARPOOTLIAN: Your Honor, we'd like to discuss a matter with you before we finish with this juror.

THE COURT: You may go to your jury room, and keep yourself ready. I don't know if I'm going to have any further questions, but as far as I'm concerned, the questions that I'm asking are at an end, but I need to consult with the attorneys before I can dismiss you.

WITNESS: Yes, ma'am.

THE COURT: You may go to your jury room.

(JUROR F EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Your Honor, in interviewing the clerk of court for Barnwell County, who worked as an assistant to Ms. Hill, and interviewing the alternate juror who was not -- wasn't needed, wasn't dismissed for any particular reason other than wasn't needed, both of them indicate they believe that Ms. Hill transported this juror by her personal vehicle or a bailiff's vehicle at least once during the trial. So, I would ask you to ask her if during the trial, did Becky Hill either drive or ride with you in a vehicle before or after court? If so, what, if anything, did Becky Hill and you discuss?

THE COURT: What's your position on that, Mr. Waters?

MR. WATERS: Your Honor, I have no objection to that, Your Honor.

THE COURT: All right, bring the juror. This is juror C returning to the stand.

BAILIFF: Juror?

THE COURT: The same juror, yes.

(JUROR F RETURNS TO THE COURTROOM AND RETAKES THE WITNESS STAND.)

EXAMINATION BY THE COURT:

Q. Thank you, ma'am. Of course you're still under oath.

A. Yes, ma'am.

Q. And I have this question for you. During the trial, did Becky Hill either drive or ride with you in a vehicle before or after court? If so, what, if anything, did Becky Hill and you discuss? Do you recall that at all?

A. Could you please ask that again?

Q. Ma'am?

A. Could you please ask the question again?

Q. Sure.

A. Sorry.

Q. During the trial, did Becky Hill either drive or ride with you in a vehicle before or after court?

A. No, ma'am.

Q. All right. Then I don't need to ask the second question.

THE COURT: This will conclude your testimony. You are dismissed. I'm going to ask the jurors to stay with me

until I've completed this process. Then you are free to go.

WITNESS: Thank you.

THE COURT: Thank you so much.

(JUROR F EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: All right, Mr. Harpootlian's question for Juror F is Court's Exhibit Number 4.

(DEFENSE QUESTION MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 4.)

THE COURT: All right, bring me Juror L.

BAILIFF: L as in Lima?

THE COURT: L as in lima, yes, sir.

(JUROR L ENTERS THE COURTROOM.)

JUROR L, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Thank you so much. I have redesignated each of the jurors in the record for this case, and so I will be referring to you as Juror L, as in lima. And, you know, y'all, all this jury, these people saw you for six weeks. They may know, be able to identify you, but I'm trying to, as best I can, protect your anonymity. You don't have to talk to anybody about this at all. That's purely your prerogative.

Juror L, before you came to testify and were sworn,

you were in the jury room with the other jurors.

A. Yes, ma'am.

Q. I understand that some may have looked at their cell phones and looked at pictures of the proceedings as they involved the first juror who was examined. Did you see any of that?

A. People had their phones out, yes, ma'am.

Q. Did you look at any of it?

A. No, ma'am.

Q. All right, then I don't need to ask you anything further about that.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury, and the Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, Madame Justice, yes.

Q. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?

A. Yes, Justice. Yes, ma'am.

Q. Did you hear Becky Hill, the clerk of court for Colleton County, make any comment about this case before your verdict?

A. No, ma'am.

Q. Was your verdict on March 2, 2023, influenced in any way with any communications by the clerk of court, Becky Hill, in this case?

A. No, ma'am.

Q. Very good.

THE COURT: Juror L, thank you, and you are dismissed. I will send word back by the bailiff if there are any further questions. I always ask the lawyers that before I dismiss the juror completely and go to the next one.

Please know that I will keep you in case there's anything I need to have the whole jury for at the end of this proceeding. Then you are free to go, and you don't have to speak to a soul about any of this. Thank you, sir.

WITNESS: Thank you, ma'am.

(JUROR L EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: Anything further, Mr. ---

MR. WATERS: Nothing from the State, Your Honor.

MR. HARPOOTLIAN: Nothing from the defense, Your

Honor.

THE COURT: Very good.

Mr. Bailiff, bring me Juror E.

BAILIFF: E as in Edward?

THE COURT: Yes.

BAILIFF: Thank you.

(JUROR E ENTERS THE COURTROOM.)

JUROR E, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Sir, I will be addressing you as Juror E this morning. I've redesignated the jurors by letter. I realize that you sat on this jury in Colleton County for a lengthy period of time, six weeks, and people may know who you are. But to the extent I can make this record a record that protects your anonymity, I am doing that. You don't have to speak to a soul about this matter after you are finished, and your service will be complete, as I'm sure you thought it would be once you rendered your verdict.

A. Thank you.

Q. I have these questions. You rendered a verdict -- oh, yes. If was brought to my attention that cell phones of the jurors were accessed in the jury room for a time, and that some were able to examine the broadcast of the testimony of the first juror called Juror Z. Was your cell

phone one of those activated to look at the proceedings?

A. No, ma'am.

Q. Did you look in the proceedings on any other cell phone?

A. No, ma'am.

Q. Thank you.

Now, you rendered your verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The jury then said -- I mean, the Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. It was.

Q. Was your verdict based entirely upon the testimony, evidence, and law presented to you in this case?

A. Yes.

Q. Did you hear Ms. Becky Hill make any comment about

this case before your verdict?

A. No.

Q. Was your verdict on March the 2, 2023, influenced in any way with any communications by the clerk of court, Becky Hill, in this case?

A. No.

THE COURT: Thank you, sir. That concludes my questions. You may go to the jury room. I always consult with the lawyers to see if there any further questions. If there are not, please stay with the jury until I dismiss all of you. I'm hoping that won't be too much longer.

WITNESS: Yes, ma'am.

THE COURT: Thank you, sir.

WITNESS: Thank you.

(JUROR E EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: All right, anything from the State?

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: From the defendant?

MR. HARPOOTLIAN: Nothing from defense, Your Honor.

THE COURT: Very good.

Bring me Juror P, as in Paul.

(JUROR P ENTERS THE COURTROOM.)

JUROR P, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Good morning.

A. Good morning, ma'am.

Q. I will be addressing you as Juror P, as in Paul. I tried to redesignate the jurors without their number and, of course, without their name.

Now, I realize you spent six long weeks hearing this case in open court in Colleton, and many people may know who you are anyway.

A. Yes, ma'am.

Q. To the extent that I can make this record such that it protects your anonymity, I will do that.

A. Yes, ma'am.

Q. And you certainly are not obligated to talk with one soul about this matter after your testimony is complete.

A. Okay.

Q. Juror P, I understand that before I began to receive your testimony, that at the beginning when Juror Z was being examined that some jurors may have had cell phones and accessed the proceedings. Did you have your cell phone?

A. No, ma'am.

Q. Did you examine any cell phone broadcasts?

A. There was a couple people, but I have no clue what they were viewing.

Q. Yes, sir. Okay. Did any of this activity by other

people in viewing this material have any impact on you in terms of your testimony today?

A. No, ma'am.

Q. All right.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your right hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, ma'am.

Q. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?

A. It was.

Q. Did you hear Becky Hill, clerk of court for Colleton County, make any comment about this case before your verdict?

A. I did, yes, ma'am.

Q. What did she say?
A. It was the day that Mr. Murdaugh was taking the stand.
Q. Yes, sir.
A. And she made the comment about watch his body language.
Q. About watch his?
A. Watch his body language.
Q. His body language, I see.
A. Yes, ma'am.
Q. And what else?
A. That's all I can recall.
Q. All right, sir. Was your verdict on March the 2, 2023, influenced in any way with any communications by the clerk of court, Becky Hill, in this case?
A. No.

THE COURT: All right. That completes my questions, Juror E -- P, Juror P. You may go to your jury room. You are free to refuse to discuss this with anybody. That's your prerogative. You're not required to talk about this anymore.

WITNESS: Yes, ma'am.

THE COURT: That is your business. I have tried to do the best I could to confine this thing, but I appreciate your service. Thank you, sir, and you may go to your jury room.

WITNESS: Thank you, ma'am.

(JUROR P EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: Any question by the State?

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: All right, by the defendant?

MR. HARPOOTLIAN: Nothing, Your Honor.

THE COURT: All right, bring me Juror O.

BAILIFF: O?

THE COURT: O.

(JUROR O ENTERS THE COURTROOM.)

JUROR O, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Good morning, Juror O. I have redesignated the jurors by letter in this record so as to try to protect your anonymity as best I can.

Now, I realize you sat on this case for six weeks in open court in Colleton County. Many may know your identity, but to the extent I can for the record of this matter, I'm trying to preserve your identity from any disclosure in this court.

Juror O, I understand that several jurors may have activated their cell phones during the testimony of the first juror and looked at the proceedings. Are you aware of that?

A. Yes, ma'am.
Q. Did you activate your cell phone?
A. No, ma'am, I did not.
Q. Did you watch any of the other cell phones?
A. No, ma'am, I did not.
Q. Very good.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your right hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, ma'am, it was.
Q. Did you hear Ms. Becky Hill make any comment about this case before your verdict?
A. No, ma'am, I did not.
Q. Was your verdict on March the 2, 2023, influenced in any way with any communications by the clerk of court,

Becky Hill, in this matter?

A. No, ma'am, it was not.

Q. Very good.

THE COURT: That concludes my questions. You may return to your jury room. I ask that you stay until I complete the questioning of the jurors. You don't have to talk to a soul about this matter. That is purely your prerogative, and if you have any difficulties in that matter, let me know.

WITNESS: Yes, ma'am.

THE COURT: You are excused.

(JUROR O EXITS THE STAND.)

MR. WATERS: Your Honor? Very quickly, I think question 2, you omitted question 2.

THE COURT: Resume your seat.

EXAMINATION BY THE COURT:

Q. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?

A. Yes, ma'am, it was.

Q. Very good.

THE COURT: You're excused.

(JUROR O EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: Thank you, Mr. Waters.

All right, bring me Juror Y.

BAILIFF: Y.

MR. HARPOOTLIAN: No further questions, Your Honor.

THE COURT: Oh, excuse me. Sorry.

Nothing further, Mr. Waters?

MR. WATERS: Nothing from the state.

THE COURT: Thank you.

(JUROR Y ENTERS THE COURTROOM.)

JUROR Y, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Good morning, sir.

A. Good morning.

Q. I will be addressing you as Juror Y.

A. Okay.

Q. I've tried to re-identify the jurors so as to preserve your anonymity in this record.

A. Thank you.

Q. I know that you sat on this case for six weeks in open court, and many have seen you. They may know who you are, but to the extent I can preserve your anonymity in the record of this case, I have tried to do so.

A. Thank you.

Q. You are completely free not to talk to a soul about this matter. That's always your prerogative.

I understand that before you came out here, when the first juror to be examined was being examined that some

jurors may have activated their cell phones. Were you one who activated your cell phone?

A. No, ma'am.

Q. Were you aware that some cell phones might've been activated?

A. I, I was aware after the fact.

Q. All right, sir. Did you hear anything about the examination of the first juror?

A. No, ma'am.

Q. Thank you, sir.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your right hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? And each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, ma'am.

Q. Was your verdict based entirely on the testimony,

evidence, and law presented to you in this case?

A. Yes, ma'am.

Q. Did you hear Ms. Becky Hill make any comment about this case before your verdict?

A. Not to me, ma'am.

Q. Did you hear her make a comment to anybody else?

A. Not that I'm aware of, ma'am.

Q. All right, sir. So, you don't remember any details of any conversation?

A. No, ma'am.

Q. All right, sir. Was your verdict on March the 2, 2023, influenced in any way by any communications by the clerk of court, Becky Hill, in this case?

A. No, ma'am.

THE COURT: Thank you, sir. That concludes my questions. I am going to excuse you. Stay together with the other jurors until I have completed my examination, and then you will be free to go.

WITNESS: Thank you.

THE COURT: Thank you so much.

WITNESS: Thank you.

(JUROR Y EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: Anything further from the State?

MR. WATERS: Nothing from the State, Your Honor.

THE COURT: From the defense?

MR. HARPOOTLIAN: Nothing from defense, Your Honor.

THE COURT: Very good.

Bring me Juror W.

JUROR W, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Good morning.

A. Good morning.

Q. Good morning.

Q. I'll address you as Juror W. I have redesignated by letter the identities of the jurors as I question them today.

A. Yes, ma'am.

Q. And, you know, you sat on this jury for six long weeks, and I'm sure that those who were there in the trial for a long period of time may know who you are. I'm just doing the very best I can to make your participation in this matter anonymous, and I will preserve that anonymity. You are free to not talk to one single soul about this if you don't want to. That's purely your prerogative.

A. Yes, ma'am.

Q. I understand that when the first juror was being questioned, some members of the jury, as you were back in the jury room, may have activated their cell phones. Were you one who activated your cell phone?

A. No, ma'am. I left my phone in the car.
Q. And did you hear any information coming from anybody else's cell phones about that examination?
A. I did.
Q. All right. Does that have any impact on the testimony you are going to give today?
A. No, ma'am.
Q. Very good.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? Each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes, ma'am.
Q. All right. Was your verdict based entirely on the testimony, evidence, and law presented to you in this matter?

A. Yes, ma'am.

Q. Did you hear Ms. Becky Hill, the clerk of court for Colleton County, make any comment about this case before your verdict?

A. No, ma'am.

Q. Was your verdict on March the 2, 2023, influenced in any way with any communications by the clerk of court, Becky Hill, in this matter?

A. No, ma'am.

Q. Very good.

THE COURT: That is the end of my questions, Madame Juror. You may go to the jury room. Stay with the jury until I have completed the questioning. Then you are free to go.

WITNESS: Okay.

THE COURT: And you are free not to say anything you don't want to say, and if anybody upsets you or bothers you in any way about that, you just let the Court know.

WITNESS: Yes, ma'am.

THE COURT: Thank you.

WITNESS: Thank you.

(JUROR W EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: Any further questions from the State?

MR. WATERS: Nothing from the state, Your Honor.

THE COURT: Any further questions from the defense?

MR. HARPOOTLIAN: Nothing further from defense.

THE COURT: Very good.

All right, bring me Juror, Juror Q.

(JUROR Q ENTERS THE COURTROOM.)

JUROR Q, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Good morning.

A. Morning.

Q. I will be referring to you as Juror Q. I have redesignated every one of the jurors by a letter, and in that way I'm trying to protect your anonymity in these proceedings.

Now, I realize that you spent six long weeks hearing this case in open court in Colleton County, and some folk may know who you are, but I'm trying to protect your anonymity in these proceedings as best I can.

You don't have to speak to a soul about these proceedings after you have completed your testimony. That's purely up to you, and if anybody hassles you about anything, the Court stands ready to assist you.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The Court then said:

Madame Forelady and members of the jury, if that

is your verdict of each and every juror, please let it be known by raising your hand.

The transcript then indicates the jurors complied. The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? Each juror answered yes.

Was that an accurate answer?

A. Yes, ma'am, it was.

Q. About your verdict at that time?

A. Yes.

Q. All right. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?

A. Yes, it was.

Q. Did you hear Ms. Becky Hill make any comment about this case before your verdict?

A. No, ma'am.

Q. Was your verdict on March the 2, 2023, influenced in any way with any communication by the clerk of court, Becky Hill, in this case?

A. No, ma'am, it was not.

Q. Very good.

THE COURT: You may be excused, and if you'll just stay in the jury room until we've completed the examination of all the jurors. Thank you, sir.

WITNESS: Thank you.

MR. WATERS: Your Honor, very briefly, the cell phone inquiry.

THE COURT: Yes.

MR. WATERS: Of the various jurors.

THE COURT: Yes.

MR. WATERS: I didn't know if you wanted to have that with this particular juror as well.

THE COURT: Sure.

Q. I understand that before I began questioning you or the other jurors, on the questioning of the first juror, some jurors in the assembly room may have activated their cell phones. Were you one of the jurors that activated your cell phone?

A. Yes, ma'am.

Q. All right, and was anything that you heard at that time something that has any influence or effect on the testimony you now give under oath?

A. No, ma'am.

Q. All right.

THE COURT: Thank you.

Anything further?

You may go to the jury room.

WITNESS: Thank you.

(JUROR Q EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: For the state?

MR. WATERS: Nothing, Your Honor.

MR. HARPOOTLIAN: Nothing, Your Honor.

THE COURT: All right.

Bring me Juror K.

(JUROR K ENTERS THE COURTROOM.)

JUROR K, BEING DULY SWORN,

TESTIFIES AS FOLLOWS:

EXAMINATION BY THE COURT:

Q. Good morning.

A. Good morning.

Q. I will be addressing you as Juror K. I've redesignated each of you jurors, gave you a letter for purposes of this hearing. I'm trying to protect your anonymity as best I can.

Now, I realize you sat for six long weeks on this case in Colleton County, and many folk may know who you are. But on the record of this matter, as best I can, I'm trying to preserve your anonymity.

Please know that you don't have to answer anybody's questions about this matter in any way, shape, or form. It's purely up to you, and if anything is done that you feel is harassing or makes you uncomfortable, you contact the Court. I will try to do as best I can to help in that situation.

A. Yes, ma'am.
Q. All right. I understand that during the testimony of the first juror, some opened their cell phones in the jury room, in our jury assembly room here. Were you one who opened your cell phone?
A. Yes, ma'am.
Q. Did you listen to the -- or watch the broadcast of that first juror's examination?
A. It was on Facebook.
Q. Ma'am?
A. It was on Facebook.
Q. It was on Facebook, and you watched it?
A. No. We closed it.
Q. All right. Did anything that you heard in that Facebook cell phone access impact or influence your testimony in this matter in any way?
A. No.
Q. All right.

You rendered a verdict on March the 2, 2023. The verdict was read in open court, signed by the foreperson of the jury. The Court then said:

> Madame Forelady and members of the jury, if that is your verdict of each and every juror, please let it be known by raising your right hand.

The transcript then indicates the jurors complied.

The jury was individually polled and each was asked: Was that your verdict? Each juror answered yes. Each juror was then asked: Is that still your verdict? Each juror answered yes.

Was that an accurate answer about your verdict at that time?

A. Yes.

Q. Was your verdict based entirely on the testimony, evidence, and law presented to you in this case?

A. Yes.

Q. Did you hear Ms. Becky Hill, clerk of court for Clarendon County -- Colleton, County make any comment about this case before your verdict?

A. No.

Q. Was your verdict on March the 2, 2023, influenced in any way with any communications by the clerk of court, Becky Hill, in this case?

A. No.

THE COURT: Thank you, ma'am. That completes my questions. I'll let you go to the jury room now. I will then ask the attorneys whether there are any further questions. If there are not, please just stay in the jury assembly room until I give you the word that you are all to come out one more time and I dismiss you. Thank you, ma'am.

(JUROR K EXITS THE STAND AND EXITS THE COURTROOM.)

THE COURT: For the State?

MR. WATERS: Nothing from the State.

THE COURT: For the defense?

MR. HARPOOTLIAN: Nothing, Your Honor.

THE COURT: Very good. This then completes the questioning of the jurors. I will ask the jurors to come into the open courtroom again, thank them, and dismiss them. Anything further before I do that?

MR. WATERS: Nothing from the state, Your Honor.

MR. HARPOOTLIAN: Beg the court's indulgence one moment.

(A PAUSE.)

MR. HARPOOTLIAN: Please the Court, Your Honor? I would move for the record that I be able to question Juror Z to follow up on what I believe the Court is confused about.

THE COURT: Very good. I deny the request.

MR. HARPOOTLIAN: Thank you.

THE COURT: Anything further?

MR. HARPOOTLIAN: No, Your Honor.

THE COURT: All right, bring me the jury.

(A PAUSE.)

(THE JURORS ENTER THE COURTROOM.)

BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you.

Ladies and gentlemen of the jury, that completes the Court's examination of the jurors in this matter. I can only deeply apologize to you for having to inconvenience you so long after the trial of the case to come here, and I very much appreciate your candor. There are no right or wrong answers to the questions I asked you, but I think each of you to the best of your ability answered the questions, and I am deeply grateful for that, as is the State of South Carolina, as is the defendant.

You don't have to speak to a soul about this matter if you don't want to. That is purely your prerogative. If there's any difficulty you encounter about this hearing that I can help with, please contact the Court and I will be happy to do so.

You are dismissed at this time; you may go. Thank you for your service.

Excuse the jurors.

(THE JURORS EXIT THE COURTROOM.)

THE COURT: All right, Mr. Waters, is the clerk of court available?

MR. WATERS: Yes, ma'am. It's my understanding she is, and the State would be prepared to call her if the Court's ready.

THE COURT: All right.

MR. WATERS: I do not believe she's in the courtroom. She, she -- I believe she's at a location -- Mr Lewis is here just a block or two away, so if we can take a brief recess, we'd be prepared to present her after that.

THE COURT: Well, I will entertain going on and taking an early lunch break. I don't know how long Ms. Hill's testimony is going to take, but that might be a better thing than hanging around here. I think that's what I would prefer to do.

Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor, I need sustenance.

THE COURT: Okay. Well, good. I think I will join you in that.

What I will do is I will recess court until 1:15.

MR. WATERS: Thank you, Your Honor.

THE COURT: Please return at 1:15.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: Court will be in recess.

(OFF THE RECORD.)

THE COURT: Please be seated.

All right, is the State ready to proceed?

MR. WATERS: Ready to proceed. I think they're still getting the defendant ready to sit down.

THE COURT: Very good. We certainly will wait on that.

Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor, once he's seated, I have a matter I need to put on the record.

THE COURT: All right. Sure.

(A PAUSE.)

MR. HARPOOTLIAN: Please the Court, Your Honor?

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Your Honor, we last week discussed the standard by which you would proceed during this proceeding and evaluate the evidence. We argued that you should use a case called *Remmer*. You rejected that, but under any standard, as I understand it, the burden of proof is on the defendant to show certain statements were made or certain conduct happened.

So far, Your Honor has called as Court's witnesses twelve witnesses. We were not offered the opportunity to cross-examine them, and so we've not had the opportunity to present any evidence whatsoever. And before the State presents evidence, I believe that we should be able to call witnesses, and I would ask the Court to allow us to present some evidence before the State comes up with, with rebuttal.

And, by the way, under the cases you've cited, they have no affirmative obligation to present anything at this point; there's no requirement that they present anything.

So, I would ask you allow us to call a witness or two before you make a decision as to whether or not they need to call a witness.

THE COURT: The State.

MR. WATERS: Well, Your Honor, we obviously have argued very extensively some of the cases, and I think the South Carolina jurisprudence is very clear that while an evidentiary hearing is appropriate, and that's what we're doing here, that that manner of inquiry is, is purely within the discretion as the trial judge sees fit. This is not a criminal trial where we're here with a jury to present the normal, you know, criminal trial process. This is a inquiry very much directed by the trial court and what the trial court thinks is appropriate. And so the State certainly is comfortable with the inquiry the Court is conducting.

And my understanding is as far as putting up Ms. Hill, this is the manner in which the Court wanted that evidence presented, and so we're happy to comply in that regard. But we think that, that, that this inquiry is within your discretion, and we have no issue with the manner in which Your Honor has proposed to conduct it.

MR. HARPOOTLIAN: Please the Court, Your Honor? Certainly the conduct of this hearing is within your discretion. What is not is who has the burden of proof.

We do and we can't meet that burden if we can't call witnesses. And so I ask the Court to allow us to call witnesses, and if at the conclusion of us presenting those you believe the State has -- is required to present evidence to counter that evidence or in some way -- I'm not quite -- since *Remmer* is not the standard, I'm not quite sure what they have to prove, but that -- that's an argument down the line.

I believe we ought to be able to call witnesses now, and we have witnesses which would substantiate the burden we have to show you that statements were made by the clerk of court, and that those statements had impact on a juror or jurors.

THE COURT: I've got a couple of reactions to that. Number one, the pretrial was the time to figure out exactly what we were going to do here. And I think it comes at the last minute for you to now come and say we want to present witnesses. You briefed the matter of witnesses; we had a long pretrial. After I made my rulings on what I thought the scenario was that should be used based on *State v. Green*, you lodged objections to that, but you did not offer at that time any information about who you wanted to call other than this lengthy filing in one of your briefs. It comes pretty late in time, in my view, for you to do that now.

The second thing is I gave the defense a big break when I allowed you to be the cross-examiner and the State to be the presenter of Becky Hill. She's really a witness that each side needs to prove their view of what happened in this matter. The State puts her up to try to show that there was no impact by anything she said and that some of the things your witnesses say were said she says were not. So, there's a conflict in the evidence there.

I'm not going to rearrange the situation and go to any witnesses of yours right now. I'm going to see what Ms. Hill has to say, and then afterwards we can talk about whether there's any need for any other witnesses.

MR. HARPOOTLIAN: Your Honor, if -- just factually argue this with you. We did not understand. We assumed you'd adopt *Remmer* because that was ---

THE COURT: Well, I don't know why you assumed that when the ---

MR. HARPOOTLIAN: Because that's the ---

THE COURT: --- South Carolina Supreme Court said very clearly we do not go by the guidance of the 1950s case of *US v. Remmer*.

MR. HARPOOTLIAN: That's -- we do not believe that's what Justice Kittredge has said in ---

THE COURT: He said it straight out as clear as a bell can be, but I've ruled on that.

MR. HARPOOTLIAN: Yes, ma'am.

THE COURT: And, and ---

MR. HARPOOTLIAN: All I'm saying is ---

THE COURT: --- the South Carolina Supreme Court is going to have plenty of chances to decide if they want to modify *Green*.

MR. HARPOOTLIAN: Well, when we were -- we were somewhat taken aback by your ruling as a result, and that ruling came at a point where we hadn't -- we didn't know what these witnesses were going to testify to. So, we now ---

And, by the way, you set aside three days for this. What's the hurry? This gentleman is, you know, is facing life with no parole. We should take this in a very deliberate way. He's got a Fourteenth Amendment right to have-- to ensure that he had a fair trial.

THE COURT: All these arguments should have been made before this time.

MR. HARPOOTLIAN: Why?

THE COURT: Well, Mr. Harpootlian, I've told you how I'm going to handle this thing. Your objections are noted and they're on the record. Right now what I'm going to do is what I said I would do. We're going to call Ms. Hill and see what she has to say. I have no idea who all you want to call as witnesses or whether they're here in the

courtroom at the present time.

MR. HARPOOTLIAN: They are.

THE COURT: But we'll get to that after Ms. Hill testifies.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: All right, sir.

Just one moment.

(A PAUSE.)

THE COURT: Let me go to a little something here that I'm just getting an email on and put this on the record right now.

Now, I have a communication from Mr. McCulloch, and it's only -- that is copied to Mr. Harpootlian, Mr. Griffin, Mr. Waters, and Attorney General Wilson, and basically it says his client, Juror Z, wants to enhance the testimony she gave with some sort of affidavit that he wants me to look at, and I have looked at.

I will -- I want to hear from the State and the defense, but I can tell you I'm not inclined to get back into the testimony that's already been taken by these jurors. Her inconsistencies, whatever they are, are in the record, and she now wants to have another bite at the apple. I'm not at all enthusiastic about that.

But I will hear from you, Mr. Waters, first.

MR. WATERS: Your Honor, the juror's testified; the

Court conducted the inquiry that needed to be conducted. She answered the questions. I would agree with Your Honor that, that multiple bites of the apple are not warranted. We believe we should proceed forward.

THE COURT: All right.

Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor, I'd note two things. The first thing is we asked to be able to examine this juror. You denied that request. Number two, she's not our witness; she's not Mr. Waters's witness. She was the Court's witness and a juror that -- and you commended all of them on their honesty. She's attempting to be honest. This is -- this process we're going through is an effort to seek the truth. This is the truth. I don't understand why it can't come in.

THE COURT: Okay, I think I understand what your position is, Mr. Harpootlian.

MR. HARPOOTLIAN: And we'd ask you to make it part of the record. You can say you're going to consider it, not going to consider it, but it should be a part of the record.

THE COURT: Well, I'll give some thought to whether this thing should be a part of the record, but I can tell you this. Witnesses don't get to get on the stand and testify under oath and then seek to add or change or deal

in any way with their testimony. Those questions were very open-ended questions that asked for her responses, and she gave them. If they're inconsistent, she can't come up now and try to close the loop of consistency by some additional testimony, and I am not thinking about allowing that to be done.

MR. HARPOOTLIAN: With all due respect, Your Honor, we believe and said at the time the way you questioned her put her in the position of saying yes, that was my verdict then. We think -- and we couldn't examine her. And, Your Honor, to, to say now that this affidavit doesn't accurately depict her position is to deny fact, the truth.

THE COURT: You've already said that once. I note your position on that matter, but I decline to adopt it. All right.

MR. HARPOOTLIAN: We'd, we'd, we'd make this exhibit as a proffer for our case. This affidavit, we proffer it for our case. We have the burden.

THE COURT: I'll give some thought to it. I'm not ready to deal with that right now. I looked at it just in the moment right before I put it on the record. I'll do some research about that, and we're going to close that loop before the end of the day.

MR. HARPOOTLIAN: Your Honor, and again I indicate we have two more days. We don't have to wrap everything up

today. Thank you.

THE COURT: Yes, sir.

Mr. Waters.

MR. WATERS: Thank you, Your Honor. The State calls Rebecca Hill.

THE COURT: Get Ms. Hill and bring her to the courtroom.

(A PAUSE.)

REBECCA HILL, BEING DULY SWORN, TESTIFIES AS FOLLOWS:

DIRECT EXAMINATION BY MR. WATERS:

Q. Good afternoon, Ms. Hill. How are you?

A. I'm fine.

Q. Want to get started. If you would, if you could state your full name for the record and spell it for the court reporter.

A. My name is Becky Hill, last name Hill, H-i-l-l.

Q. And if you would, just give us -- you're currently the clerk of court for Colleton County. Is that correct?

A. That's correct.

Q. And just very quickly, if you would, what year were you elected as the clerk of court?

A. At the end of 2020.

Q. At the end of 2020, and prior to that, did you have any involvement or experience with the state judicial

system?
A. I did.
Q. And could you tell the Court what that was, please?
A. I was a South Carolina official court reporter for about fourteen years.
Q. And were you -- and being an official court reporter, you would serve in the courtroom which -- as Ms. Harris is here today, or what ---
A. That's correct.
Q. Were you -- and was that primarily in the Fourteenth Circuit?
A. It was primarily in the Fourteenth Circuit; however, I did travel throughout the state.
Q. Did you have any other experience in your -- professional experience prior to becoming a court reporter or a clerk of court?
A. I was a court reporter freelance for two years before that.
Q. Okay, and any other professional pursuits you've had over the course of your career?
A. I, I was able to be a middle school teacher, and I've worked for the Board of Disabilities a few years as well.
Q. Let me go ahead and just kind of get straight to it. In your capacity as clerk of court and in your previous experience being a court reporter, were you familiar with

the rules that apply to court staff as it -- as it comes to interactions with jurors during the course of a criminal trial, or civil trial for that matter?

A. Yes.

Q. All right, and could you tell the Court generally what those rules are as far as, as what contact is permissible and what contact is not permissible, just very quickly?

A. The judge gives the, the law and gives the instructions for a jury, and the attorneys will state their opening argue -- their opening statements, their closing arguments, and basically the clerk of court and anyone else, court reporter, we're, we're there to -- my understanding would be to make sure that everyone is taken care of. Do you next some Kleenex, do you need some water, different things like that just to make sure that they're taken care of.

Q. Is it -- is it common for clerks of court to have interaction with jurors during the course of a trial to see to those various logistical needs that you -- that you just described?

A. Yes.

Q. And did that happen in the *Murdaugh* case?

A. It did.

Q. And can you give us an example of some of the logistical things that you or -- things that you would see

to to deal with any needs that the jurors may have? I mean, did you provide them food, coffee, make sure they were comfortable, things like that?

A. Yes, all of that.

Q. Provide blankets for them if they were cold?

A. Our courtroom was very cold in Colleton County, yes.

Q. Did you provide them with aspirin and Tylenol if they needed it? Make sure coffee and snacks were available?

A. Yes.

Q. Did you take lunch orders for them so that they were fed each day?

A. Yes.

Q. At any time, did you interact with any juror in an attempt to influence their view of the facts in the *State v. Murdaugh* case?

A. No.

Q. I want to ask you some specifics about that and some allegations that have been raised. At any time, did you tell the jury not to be fooled by evidence presented by Mr. Murdaugh's attorneys?

A. I did not.

Q. At any time, did you instruct the jury to watch him closely and look at his actions?

A. I did not.

Q. At any time, did you instruct the jury or tell the

jury to look at his movements?
A. No.
Q. At any time as the jury moved to deliberate, did you tell the jury this shouldn't take long?
A. No.
Q. At any time, did you tell the jury that the defense case -- watch out for the defense case? They're going to try to throw you off or anything along those lines that was meant to influence the jurors against Mr. Murdaugh?
A. No.
Q. Let me ask you if you ever made any comment to the jurors about the fact that the defendant was going to testify. Did you have -- did you have conversation in the presence of the jurors prior to the defendant testifying about the fact that he was about to testify?
A. It wasn't directly related to the jurors. I was talking to Mr. Bill, who was our bailiff foreman -- our, our, our bailiff over the jury, and I was talking to him about that.
Q. All right, and what did you say?
A. I told him what I had just come downstairs telling my security and bailiff's office that Judge Newman had allowed more testimony in regarding the financials and that also the defendant had decided that he may testify.
Q. And where were the jurors at the point that that

conversation occurred?
A. There were a few jurors standing in line, and there were some in the bathroom, I'm sure, because they said they were waiting on jurors to get out of the bathroom, and there were some in the jury room just milling around from what I could see looking down the hallway.
Q. And, and again, what were -- what were the -- what were the words that you said during that conversation? What were the effect of them?
A. To Mr. Bill.
Q. What did you say?
A. I told him that the -- that Judge Newman had -- was allowing more of the financial evidence in, which would prolong the, the testimony in the trial a little bit, and also that the defendant had decided that he was going to testify.
Q. Did you say anything about this being an important day? Pay attention, we'll get coffee for you, things like that?
A. I, I usually give a little talk to the jurors. It's, it's sometimes hard sitting a long time, but my usual -- and I do remember saying pay attention. It's a big day today. Whatever you need, let Mr. Bill know or one of the other bailiffs, and they'll be glad to get it for you.
Q. Did your comments or were your comments in any way

phrased in favor of one side or against another side, or were they more of a neutral comment about paying attention?

A. No. It was not for one side or the other.

Q. Were you present when the jury went to the Moselle property to, to conduct the jury view?

A. I was.

Q. And was Judge Newman there as well?

A. He was.

Q. During the time that you were on the property, traveling there, traveling back, did you have any conversation with the jurors where you made any comment about the substance of any testimony or any comment about the merits or the strength of the case?

A. No. No.

Q. Did you have a quick comment to the forelady about how the property was beautiful and, and there were tree -- tea olive trees there that, that bloom and smell good or words to that effect?

A. I did.

Q. And was there any other conversation related that you had that you -- where you made any comment about the, the case or the merits or anything like that?

A. Oh, no. No.

Q. During the course of this trial, did you have a bailiff employee whose primary job it was to see to the

jury and, and their security and to keep them separate from everyone else that was involved in this trial?

A. I did.

Q. And who was that?

A. Mr. Bill Polk.

Q. All right, and he was ultimately the jury coordinator in this particular case?

A. That's correct.

Q. During the course of the deliberations, once the jury went back there, did you have any contact with the jurors or have any substantive discussion with them?

A. Not at all.

Q. Did you have any discussion with them about logistics about staying in a hotel or anything like that?

A. I did not.

Q. Did you have any interaction with the jurors or any -- anything to do with them having smoke breaks or anything like that?

A. I did not.

Q. During the course of the trial, did you have any discussion or interaction with the jurors about them giving any interviews to the media or, or making themselves available to the media? I'm asking during the course of the trial.

A. No, not during the course of the trial.

Q. After the verdicts had been reached and the case was in sentencing, did you have any conversation with any jurors at that time after they had already entered their verdict and been individually polled?

A. Yes, after the sentencing.

Q. Tell the Court what that interaction was at that time.

A. There were several outlets, news outlets that wanted to interview the jury as a whole and really wanted to get them up to North -- to New York, and so I was trying to get a hold of all the jurors to talk about that. That was something we had not prepared for.

Q. Did you at all pressure the jurors to speak, or did you just tell them that that was their option to speak or not, and here's the contact information?

A. The -- I did not pressure the jury to speak.

Q. Did you advise them that it was their decision and their decision alone whether or not they wished to speak to the media?

A. It was totally their decision.

Q. And did you advise them of that?

A. Yes. Yes.

Q. I'm going to ask, ask it again, but I just want to be sure. At any time, did you make any comment to any juror or in the presence of any juror in which you at all tried to influence them in favor of one side or against another?

A. I did not.
Q. Did you understand, being a longtime court employee and clerk of court, that that is outside the boundaries of what is appropriate interaction with the jurors during the course of a trial?
A. Absolutely.
Q. And did at any time you violate that rule that you understood?
A. I did not.
MR. WATERS: Court's indulgence a moment.
(A PAUSE.)
MR. WATERS: Nothing further at this time, Your Honor.
MR. HARPOOTLIAN: Please court, Your Honor?
THE COURT: Mr. Harpootlian on cross-examination.
CROSS-EXAMINATION BY MR. HARPOOTLIAN:
Q. Ms. Hill, we spent six weeks together, didn't we?
A. We did.
Q. And during those six weeks, you were helpful to me as you could be, correct?
A. I was.
Q. Accommodated just about every request I made.
A. Yes, sir.
(AUDIO PROBLEMS INTERRUPT BRIEFLY.)
Q. Where were we? Oh, yeah, we're old friends.
THE COURT: Mr. Harpootlian, I want to be sure you can

be heard. That was the microphone that was supposed to -- you're fine where you are, absolutely fine.

MR. HARPOOTLIAN: Yes, ma'am. It was a stage microphone. It was obscuring my ability to question the witness.

THE COURT: Well, what I'm wondering is whether you can be heard without a microphone. Do we need to try to get a microphone ---

MR. HARPOOTLIAN: I can pull this ---

THE COURT: --- up on this podium?

MR. HARPOOTLIAN: --- closer to her if necessary.

THE COURT: Yeah, that would be good.

(A PAUSE.)

THE COURT: All right.

MR. HARPOOTLIAN: I don't know who's supposed to hear this other than you, but I assume Becky Harris (sic), the court reporter. I'm sorry. She's more important -- not -- as important as you.

THE COURT: Yes. I agree.

Q. Oh, yeah. We're old friends, right? We spent six weeks together, a very pressure-filled situation, correct?

A. It was a long six weeks.

Q. It was a long six weeks, and during those six weeks, you were helpful to me in a number of different ways. Accommodating friends that I had that wanted to come watch

the trial, for instance, correct?

A. That's correct.

Q. You even allowed me to use the private restroom down on the first floor so I didn't have to stand in line with the rest of the people trying to take breaks, correct?

A. Correct.

Q. So, we have no animosity towards each other. You didn't do something to me, and I didn't do something to you during that trial, right?

A. Absolutely.

Q. Okay. Now given that, I'm going to ask you some questions today that may indicate to you that I have some antagonism toward you. Let me disabuse you of that. I'm here doing a job representing my client.

Now, you've been around the court system for decades, correct?

A. Yes, sir.

Q. So, you understand what we're doing here today.

A. Yes.

Q. Now, let me understand a couple of things. I think -- and I've read your book, one -- some editions of your book. There are several. You got a bunch of emails in which you have drafts that you forwarded to your co-author, correct?

MR. WATERS: Your Honor.

A. Correct.

MR. WATERS: Objection. I believe I would object to relevance. I believe the actions of her co-author of the book is beyond the scope of this inquiry here today.

THE COURT: Overruled.

You may proceed.

MR. HARPOOTLIAN: Thank you, Your Honor.

Q. And in those drafts, you say certain things about the trial, about the process which you later did not include in the final version. It's called editing. Is that correct?

A. I would agree with that.

Q. Now, let's talk about this book for just a second. It -- when did you first decide you were going to write a book?

A. I think a thought was there, a very fleeting thought before the trial.

Q. Did you take any steps before the trial or at the initiation of the trial to begin writing this book or working with somebody on this book?

A. Oh, no, sir.

Q. When did you and your co-author get together?

A. It was several weeks after the trial.

Q. Did you talk to anybody about the fact you were going to write a book before the trial?

A. There were several anchors and several journalists that I did speak with about the possibility of writing a

book.

Q. Did -- so disorganized. I apologize. Did -- do you know -- did you seek assistance in this trial from other clerks of court?

A. Yes, sir, I did.

Q. And who were they?

A. Rhonda McElveen, who was the Barnwell County clerk of court, and Renee Elvis from the Horry County clerk of court.

Q. And did they -- were they with you the entire six weeks?

A. No.

Q. I mean, how much -- how long were they there or how often were they there?

A. Rhonda McElveen was there as often as she could be, probably several times a week; Renee Elvis helped me during the jury selection.

MR. HARPOOTLIAN: Beg the court's indulgence.

(A PAUSE.)

Q. And did she begin -- that is, Ms. McElveen -- did she begin working with you prior to jury selection?

A. Can you repeat that question?

Q. Would she -- we began jury selection, I think, on January 23, correct?

A. Correct.

Q. Was she working with you or consulting with you prior to the 23rd?
A. No, sir.
Q. You have any conversations with her about the trial?
A. Not until she got to the trial or what -- I can't remember the exact day she came.
Q. Now, is she a friend of yours?
A. She was a friend, yes.
Q. Was?
A. Well, she is a friend.
Q. Okay.
A. Yes.
Q. And she's done nothing to make you any less a friend?
A. No, sir.
Q. Now, did you tell her about the time of the trial that you were going to write a book, that you had thought about and were going to write a book?
A. I can't remember exactly. I, I think we did have a conversation about a book possibly in the future.
Q. And did you tell her you were going to write a book because you thought it would make a lot of money?
A. Oh, no, sir.
Q. You never said that?
A. No, sir.
Q. And did you tell her that you were going to write a

book to make a bunch of money so you could buy a lake lot and build a house on it?

A. No, sir.

Q. Okay. Now, did you ever tell her that you had given a juror a ride home, that you had accompanied Mr. Bill -- what's his last name?

A. Bill Polk.

Q. Right. That, that you and he took a juror home one night? Did you tell her that? Did you take a juror home one night?

A. I didn't take a juror home one night.

Q. Did ---

A. No, sir.

Q. --- Mr. Polk, Mr. Polk and you take a juror home one night?

A. No, sir, we didn't.

Q. Okay. You never gave a juror a ride in a car with Mr. Polk or without?

A. No, sir.

Q. Okay. Now also during the trial, your, your daughter ended up on the venire. Is that right?

A. She did.

Q. And she was coming up and you talked to Mr. Waters about putting her on the jury if at all possible.

A. Not sure that we wanted her to be on the jury if at

all possible, but I, I think the question was would she make a good juror, and I said she sure -- she sure would.

Q. No, I don't think we asked you. I think you told us she would make a great juror, did you not?

A. I remember you asking.

Q. I was considering putting your daughter on the jury?

A. Yes, sir.

Q. Who does she work for?

A. She works for Compass South.

Q. Did she work for the sheriff's department at some point?

A. No, sir.

Q. Did she work in law enforcement at all?

A. No, sir.

Q. Now, let me ask you this. How many jury rooms were there?

A. We have two jury rooms in Colleton.

Q. In this trial, how many jury rooms did you have? How many ---

A. Two.

Q. Okay. So, the entire jury wasn't together at any one time. They were separated into two rooms?

A. Yes.

Q. Okay, and did the -- when they're separated into two jury rooms like that, are they next door to each other?

Are they down the hall from each other?

A. They are next door to each other.

Q. Okay. So -- but if you closed the door to one, could they hear what's going on in the other one?

A. Some women probably have very good hearing, and men, too, but I would say probably not.

Q. And there restrooms in both of the jury rooms?

A. There are.

Q. Were -- I mean, are there two restrooms or just one?

A. There's one restroom in each jury room.

Q. Were either one of those restrooms designated men and women, or did everybody use the same one?

A. They were unisex.

Q. They were unisex. Okay. Now, prior to your testimony here today, had you met with the attorney general's office and SLED?

A. I have.

Q. On how many occasions?

A. I want to say twice.

Q. Okay, and you remember when the first time was?

A. I think the first time was in September.

Q. Okay, and the second time was last week?

A. Yes, sir.

Q. And that was in Walterboro?

A. Yes. That's right.

Q. And y'all spent about four, four and a half hours together?
A. I want to say maybe two hours together.
Q. And in those two hours, you went over your testimony here today?
A. They asked me questions.
Q. Did they ever correct your answers, suggest you answer differently?
A. Oh, no.
Q. So, you just -- you just went through what you went through in twenty minutes here, it took two hours to go through when you were with them?
A. There were times when I would step out of the room and come back in, but I would say we were there for about two hours.
Q. Now, you have described in your book your role as Switzerland. Is that correct?
A. Correct.
Q. Okay, and that is you should not be in any way opinionated about what's going on in the trial. Is that correct?
A. That's true.
Q. Yet in your book, you indicated a number of different points during the trial you had concluded he was guilty. Is that correct?

A. I think ---

MR. WATERS: Your Honor, I object at this point. I don't know if her conclusions in the book are in any way relevant to what occurred during the trial and whether or not there was any communications with the jurors, which is the sole issue that we're here for today, which is whether or not Ms. Hill had any extraneous influence on the jurors. And so I think this is going a little far afield. We object to relevance, Your Honor.

THE COURT: Overruled.

You may continue.

Q. Let me give you an example. You indicate riding back from Moselle that you and three other people were in the car, and you all decided adamantly, I think was the word you used, that he was guilty, that he had killed his wife and son. Is that what you put in the book?

A. I can't remember if I put that in the book, but if you say I did, then I would ---

Q. Did that happen?

A. --- agree with you. We did have a conversation about what each of us thought.

Q. And y'all four agreed that he was guilty, correct?

A. And none of us were jurors.

Q. I know. Trust me. I know that, but you had an abiding conviction, at least by the time of the Moselle

visit, that he was guilty and the other people in the car with you were bailiffs, were they not?

A. No.

Q. Who were they?

A. Some were not bailiffs. One was a court reporter. One was our security officer, head of security, and another was a deputy sheriff.

Q. Okay, but the four of y'all rode out there and based on what -- I mean, I can -- you want me to read to you how chilled you were and how you felt this -- that poor Paul and, and Maggie had been executed by him on that scene, that visiting the scene convinced you that he was a horrible, horrible murderer? You want me to read that to you, or you will concede that's what you wrote?

A. I will concede that's what I wrote, but if I may, I will -- I would say that that -- a lot of that is poetic license in writing a book and in making it sound like that.

Q. Okay. So, some of it's poetic license and some of it you just stole. You, you, you purloined it from that BBC writer, right?

MR. WATERS: Your Honor, again I object to not only the relevance but the scope of cross. I would object also under Rule 608. I don't believe that that is appropriate cross-examination.

THE COURT: Overruled.

You may continue, Mr. Harpootlian.

Q. Did you steal part of the book?

A. I did plagiarize, Mr. Harpootlian.

Q. Okay. That's stealing, isn't it?

A. It is.

Q. Okay.

A. And for that I'm very sorry, and I have apologized.

Q. Okay, and that makes it okay?

A. What I did, I did, and I apologized for that.

Q. And part of the book is, you say, literary license, exaggeration?

A. I wouldn't call it exaggeration.

Q. Now, let me ask you this. As Switzerland, and this is -- and you say this is happening while you're supposed to be Switzerland. You decided the defendant was guilty, and if Ms. McElveen says it's going to make you more money if you -- if he's found guilty, don't you think it's reasonable to assume that you may have crossed the line from time to time?

MR. WATERS: Your Honor, I object to the form of the question. Assuming facts not in evidence.

THE COURT: Overruled.

A. Can you repeat that question one more time?

Q. I'm not going to repeat it. Let me just move on to something else.

Let, let me ask you. You'd had interactions with some jurors, and I believe in a conference in the judge's chambers you indicated that you had seen a post on -- is it Walterboro Word of Mouth?

MR. WATERS: Your Honor, again I would object. I think he's delving now into the Facebook injury. I believe, again, that that's irrelevant to the inquiry before Your Honor.

THE COURT: I will allow limited -- he's, as I understand it, trying to impeach her testimony and explore her credibility. And I think I've already told Mr. Harpootlian that I don't want a whole trial about the business of Facebook and the egg juror, but I will allow limited examination on this point.

You may proceed, Mr. Harpootlian.

Q. Am I over -- oversimplifying that? You -- I mean, it's in your book. You saw something on Walterboro Word of Mouth, which it appeared to you to be from the ex-husband of one of your jurors. Is that correct? Am I oversimplifying that?

A. I remember reading one night something on Walterboro Word of Mouth, and when I was in the courtroom on a Monday morning listening to the judge and the attorneys talking about a matter, it sounded like it was relevant to each other.

Q. And you became aware somehow that this juror had a restraining order out for her ex-husband?
A. She told me that herself.
Q. Okay, and tell me how it came for her to tell you about that. Where did she tell you?
A. She was very talkative, and when I was instructed by Judge Newman to go and get her from out of the jury room with a, a deputy following me, she was talking to me all the way back to the judge's chambers, and she mentioned that there were restraining orders out when they had divorced.
Q. So, how did the judge -- who brought it to the judge's attention about this Walterboro Word of Mouth thing?
A. I let the judge know, thinking that it could be related.
Q. Okay, and you let the judge know what?
A. That I had read something on Walterboro Word of Mouth.
Q. Okay, and that you knew it was tied to that juror?
A. I didn't know that it was. I wasn't ---
Q. Who ---
A. --- sure at all.
Q. Who did you think it was tied to?
A. From what y'all were talking about at the bench, I felt like I needed to let, let him know just in case it was related. There was something about a ex-husband and a

ex-wife and somebody being on the jury.

Q. You didn't tell the judge that you had found what we call the apology post? You didn't tell the judge that?

A. I didn't call it that, no.

Q. You don't remember producing it, saying that, that -- producing it to the judge, saying this is a post in which the guy that posted it on Friday night says the devil got in him and drinking and he apologized for what he posted? You didn't produce that?

A. My staff did, one of my staff.

Q. But you gave that to the judge and gave it to us, did you not?

A. Yes, we did.

Q. As if it were from that juror's ex-husband, correct?

A. Correct.

Q. And you know it wasn't.

A. I don't know that, Mr. Harpootlian, no.

Q. So -- and this -- you did not take that juror out and talk to her before you took her to the judge? Is that your ---

A. I never, never talked to that juror about stuff like that.

Q. Okay. Did you ever talk to the forelady of the jury separate from the jury?

A. I did.

Q. Okay, and tell us. Where did that occur?
A. When I would go into the jury room and I would speak with the forelady, we would be in, like, the hallway in the -- the two jury rooms were side-by-side, and the opening to the jury went out into the hallway, and we would be surrounded by the jurors at all times. Mr. Bill would be very, very nearby or other bailiff as well when we would speak.
Q. And what did you speak to her about?
A. There were several instances. One was there was a juror who needed some feminine products. There was another time when band-aids were needed. There were times when Tylenol would be needed.
Q. Other than items that were needed by the jury, did you ever discuss -- did she ever discuss with you some issues jurors had emotionally or some issues with dissension in the jury room?
A. She only told me that there were some loud jurors and it made some of the other jurors a little upset, but other than that, that's ---
Q. What did -- what did you tell her to do?
A. I told her if it got out of hand, to write a note to the judge and that she could sign the note and get Mr. Bill to give it to the judge, and the judge would handle that for her.

Q. Now, you did publish a book after, after this trial, correct?

A. We did.

Q. And you went to New York and took some of the jurors to *The Today Show*?

A. The day -- *The Today Show* did invite us, yes.

Q. Now, one of those jurors that went up there with you the day of the verdict wore for the first time I can remember, wore a suit to, to court. Do you remember that?

MR. WATERS: Your Honor, again, I would object to discussion of the jurors wearing a suit or a post-trial trip to, to *The Today Show*. I, I don't believe there's any connection to the inquiry that's, that's ---

MR. HARPOOTLIAN: I, I'm ---

MR. WATERS: --- focused for Your Honor and that's whether or not there was an extraneous influence during of the course of the trial.

MR. HARPOOTLIAN: I'm going to connect it, Your Honor.

THE COURT: Overruled.

You may continue, Mr. Harpootlian.

Q. Did you text, email, or communicate on the morning before final arguments were completed to people that they -- this was on a Thursday -- that they probably, if they're going to see the trial, should come on that Thursday because it would be over the next day? The jury would not

be out very long. Did you ever communicate that? Email, text, or verbally?

A. I do remember saying that, yes.

Q. And why did you think the jury would not be out very long? Had you communicated with jurors?

A. I had not communicated with jurors about anything related to this trial at all. I've been a court reporter at least fourteen years. I was clerk of court for three, and you just get to where you kind of see things happen as they progress, and it's a guess. It's a gut feeling, and that's, that's all that I meant by that.

Q. Well, why are you telling this young man who wanted passes for the next day in an email, you know, won't be happening tomorrow? That was your -- or did you say -- you didn't say I don't think. You just said you'd better come today if you're coming. You remember that?

A. I don't remember that but, you know, if, if he wanted to come, I knew that the trial would be ending shortly as far as testimony. So, if he wanted to come, he needed to come.

Q. Why wouldn't the jury have been out a week on a six-week trial?

A. They could have.

Q. But, but you're ---

A. They could have.

Q. You apparently were telling the press and others that it would be a quick verdict, were you not?
A. That was a -- just a gut feeling that I had, and that was my opinion.
Q. Your opinion. You were right. Jury was out three hours on a six-week trial, correct?
A. That's true.
Q. How much money did you make off that book?
A. There was not a whole lot of money made off of the book after paying different things and paying for some expenses that went along with that, but I want to say roughly around 100,000.
Q. Okay. That's not a lot of money?
A. No. Especially when you publish your own book.
Q. But that was 100,000 you made?
A. With my co-author.
Q. Okay. In, in what period of time? Six months?
A. I would say six months, yes.
Q. When was the book published?
A. August 1st.
Q. Okay. The trial was over -- that's six months after the trial was over you published your book, correct?
A. Correct.
Q. And then I believe you recently stopped selling the book because of the plagiarism you've admitted to, correct?

A. Correct.
Q. And so there's no more money?
A. Correct.
Q. Now, you also indicate in the book that the Murdaughs had a reputation of criminality I think is kind of what you put, did you not?
A. Well, Mr. Harpootlian, my grandfather and Old Man Buster were very close.
Q. Well, were they criminals?
A. I wouldn't know.
Q. You wouldn't know, but you believed and you published that the -- that the Murdaugh family had run that part of the state and they'd participated in criminal conduct, correct?
MR. WATERS: Your Honor, again I would object to the general testimony about the alleged criminality of this family. I -- I'm not sure how that has any bearing on the focused inquiry before the Court.
THE COURT: He's asking about what she said in the book. I'm going to allow it.
MR. HARPOOTLIAN: Yes, sir.
Q. Did you say that in the book that they, they were criminals?
A. In the book, that was more of the, the literary ease that we -- that we take, I think, to make a story a little

more interesting for the reader.

Q. Like calling people criminals? I, I guess what I'm saying is this. Were they criminals?

MR. WATERS: Your Honor, again I would object to that particular question.

THE COURT: Overruled.

Q. Were they criminals?

A. I wouldn't know that.

Q. Okay. So, you either made it up or you're lying about it, about the reputation of people that can't defend themselves. They're dead. You're going to call them criminals. You did that in the book so you could sell the book?

A. No, I didn't do that to sell books.

Q. What did you do it for? Made it more readable, you said?

A. It's lit ---

Q. Which sells books.

A. Literary ease, yeah.

Q. What?

A. Literary.

Q. Literary what?

A. The, the literary ease that, that you can take with, with writing a book.

Q. Literary ease you can take with writing a book and you

make stuff up. You can lie? You can lie about people?
A. With -- not with that. I, I -- you know, it's -- I think the public perception was one that it was very interesting during this time and ---
Q. So, you're feeding -- you're feeding the monster out there that wants to believe bad things about the Murdaughs, and you'll make stuff up to do it.

Let me give you another example. During -- I read your book and I found it somewhat humorous. My co-counsel did not. In describing Mr. -- myself and Mr. Griffin in the book, you say that I neutered him. We've both been very interested in what you mean by that. What did you mean by it? I mean neutering Jim Griffin.
A. Mr. Harpootlian, it, it was a book.
Q. Did you make it up? I know it was a book.
A. Right.
Q. The Bible's a book.
A. Right.
Q. I mean, just because it's a book doesn't mean you can lie in it.
A. It's, it's just a word ---

MR. WATERS: Your Honor, I ---
A. --- that was used.

MR. WATERS: --- object to the argumentative nature of that exchange.

THE COURT: Don't argue with the witness.

But the witness, Ms. Hill, you are instructed to answer these questions.

You may proceed, Mr. Harpootlian.

Q. So, let me get this straight. The book, and I'll see if I can cut to the chase on this. I could read you chapter after chapter, verse after verse which is not true, not true based on my experience of being in a courtroom and not true based on knowing some of the people you describe.

MR. WATERS: I object.

Q. You say -- you say that is ---

THE COURT: Just a second, Mr. Harpootlian.

MR. WATERS: I object. Counsel is just testifying now.

THE COURT: Ask a question, Mr. Harpootlian, please.

Q. You have conceded there are things in the book that you don't know to be true, correct?

A. Correct.

Q. Okay. You would concede, then, that you lied in the book.

A. It's only because I wasn't there at the time. I can't -- I can't interview my dead grandfather. I can't interview Mr. Buster. There's just things that we can't interview them on. We can go by what was written in a

newspaper and get facts from that.

Q. And, and take the inference that one of the Murdaughs is a pedophile. You could have printed that, and they're not here to contradict it. You could have printed anything you wanted and made it up to sell books. That's what this, this whole scheme was about, selling books. As you told Rhonda McElveen, if he -- if, if -- him being found guilty would sell more books.

MR. WATERS: Your Honor.

Q. Isn't that true?

MR. WATERS: I'd object to the argumentative nature of the question, the compound question, and assuming facts not in evidence.

THE COURT: It is a compound question. If what you're asking is what she told Ms. McElveen, go on and ask that, but don't precede it with ---

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: --- testimony.

MR. HARPOOTLIAN: Beg the court's indulgence for just a moment.

(A PAUSE.)

Q. You write in your book about that juror that -- whose ex-husband had posted something we now know probably wasn't her ex-husband. Did she have any other ex-husbands that you found out about?

A. I have no idea.
Q. Well, you wrote:

> We learned later the ex-spouses hadn't seen each other in fourteen years, and she had three restraining orders against him.

Did, did she have three restraining orders against him?
A. I don't know. That's what she said.
Q. Okay. Let me go over a couple of things. Did you tell jurors at the end of the trial after Presidents' Day break -- Presidents' Day break would have been on Monday, correct?
A. Correct.
Q. But before Mr. Murdaugh testified, did you tell the jury not to be fooled by the evidence presented by Mr. Murdaugh's lawyers?
A. Mr. Harpootlian, I never talked to jurors about any of the evidence ---
Q. Okay, the answer would be yes or no.
A. --- in this case.
Q. And then you can explain. Did you say that?
A. No.
Q. Okay. Did you all -- did you ever instruct the jury to watch him closely? I mean before he testified, looking at his actions, looking at his movements. Did you ever

tell the jury to do that?

A. No.

Q. Did you ever tell the jury to pay attention to Mr. Murdaugh's testimony?

A. To pay attention. Not specifically to his testimony. I did tell the jury to pay attention.

Q. To what?

A. Just generally in the hallway when I was speaking.

Q. Not to him?

A. No.

Q. Just to any witness?

A. Right.

Q. Okay. Did you -- did you ever warn the jurors the defense is about to do their side? This is right before -- right at the beginning of the defense case:

> They're going to say things that will try to confuse you. Don't let them confuse you or convince you or throw you off.

Did you ever tell the jury that?

A. No, sir.

Q. Okay. Did you ever tell the jury to get emotional: We want to see your face because that is what they want to see. Did you ever tell them that?

A. No, sir.

Q. Did you ever tell the jury that Mr. Murdaugh was about

to testify?

A. I didn't tell the jurors that.

Q. Now, did you tell the jury that if they didn't reach a verdict by 10 o'clock, they were going to have to spend the night?

A. No, sir, I did not.

Q. Did you ever tell they were going to have to spend the night at some point?

A. No, sir.

Q. Did you ever tell them that they couldn't smoke?

A. No, sir.

Q. Got any other books in the works?

A. No, sir.

Q. I mean, doesn't this make a good book?

MR. HARPOOTLIAN: Thank you.

MR. WATERS: Court's indulgence one moment.

THE COURT: Yes, sir.

(A PAUSE.)

MR. WATERS: Your Honor, there were a few matters that came up on cross obviously that I objected to.

THE COURT: You won't waive your -- you may reserve your rights to object to the entire line of testimony, but you may offer cross-examination subject to the assertion of your objection about the testimony.

MR. WATERS: Thank you, Your Honor.

REDIRECT EXAMINATION BY MR. WATERS:

Q. One of the things you were asked about is finding this Facebook post, and you brought that to the Court's attention after a different issue that had already arisen related to a, a juror. Is that correct?

A. Correct.

Q. All right, and are you technically capable of manufacturing a Facebook post? Is that anything that you have any capability to do?

A. I'm not.

Q. All right, and did you ask your staff member to go see if she could find this post?

A. I did.

Q. Did you tell her just generally what you recalled reviewing?

A. Yes.

Q. And did she -- did she have any further instruction than that?

A. No.

Q. Were you sitting behind her as she was doing this particular search or anything like that, or did she eventually report back to you?

A. She is very, very techie, and then she reported back to me.

Q. All right. So, you weren't there when she was

searching, anything like that?
A. No.
Q. She was, like, I couldn't find that post, but I did find this and handed you the Facebook post. Is ---
A. Correct.
Q. --- that correct?
A. Correct.
Q. And you provided that to Judge Newman and then ultimately to the -- it was provided to the parties. Is that ---
A. Right.
Q. --- correct?
A. Correct.
Q. You were asked about conversations that you had with the forelady. Did those involve logistical issues and things like that?
A. The con ---
Q. For the jury?
A. The conversations with the forelady was everything -- there was nothing in -- regarding the defendant in this trial.
Q. All right. So, they were logistical issues, not anything to do with the substance of the trial. Is ---
A. Absolutely.
Q. --- that correct?

A. Yes.
Q. You were asked about whether or not you had texted some people this won't be long. Was that at all in any way based on any conversation you had with a juror as, as to their internal thinking or anything like that, or was that ---
A. Oh, ab ---
Q. --- just your assessment being an experienced person in the court?
A. Absolutely not.
Q. It was based on just your assessments?
A. Just my assessments, yes.
Q. Did you ever communicate with the jurors on how long they would be, or did any juror ever tell you how long they thought they would be?
A. I never talked to any jurors about anything like that.
Q. You were asked about your book, and I don't want to get into too much detail about that, but you were asked about some of the assertions that you made in the book, and you were asked if these were lies. Were they lies or were they ultimately things that were based on inferences from newspapers and community ---
MR. HARPOOTLIAN: Objection.
Q. --- stories?
MR. HARPOOTLIAN: Leading.

THE COURT: You are leading. This is your witness, Mr. Waters, so please ask a direct question.

MR. WATERS: Thank you.

Q. Was your -- some of the statements that you were asked about in your book, were they lies or were they based on your inferences from just general community knowledge and things that you had researched?

MR. HARPOOTLIAN: Still leading, but I'm not going to object.

THE COURT: All right, sir.

MR. HARPOOTLIAN: Thank you.

THE COURT: He's right about that, Mr. Waters. Just ask a direct question.

Q. Did you lie in your book?

A. No, I did not.

Q. Thank you. You were asked about when you told the jury to pay attention. When you -- asked that question, did you also mention anything about we got coffee for you or things like that?

A. I knew that Mr. Bill would take care of that, and the jurors knew, too. Coffee, we had done some Dunkin Donut runs. We had provided coffee, different other things to help stay awake in the cold courtroom that we were -- found ourselves in, and so I knew that anything they needed, Mr. Bill would see that they got because that's what he did.

Q. At any time, did you have any conversation with any jurors in which you tried to influence their decision?

A. I did not have a conversation with any juror about anything related to this case.

MR. WATERS: Nothing further, Your Honor.

MR. HARPOOTLIAN: Nothing further, Your Honor.

THE COURT: All right.

EXAMINATION BY THE COURT:

Q. Ms. Hill, I want you to turn your attention to a hearing that Judge Newman had about the alternate who was dismissed, sometimes call the egg juror. Do you recall that hearing?

A. Yes, ma'am.

Q. In the hearing, Judge Newman expressed his unhappiness with you for questioning that juror before he questioned her. Do you recall that?

A. I do remember seeing that.

Q. Well, then let's go back and talk about that juror. You on examination in this courtroom, you said she's talked about a lot of things to you, but you didn't ask her any questions, but that's not completely accurate, is it?

A. Yes, ma'am, that is true.

Q. Well, you asked -- you asked her direct questions, and that came out in the hearing that Judge Newman had. You asked her questions before she was even examined by the

judge, did you not?

A. Your Honor, I, I did not ask her any questions.

Q. The juror was examined by the judge in a hearing. Do you recall that hearing, the second hearing on this matter?

A. I do recall that hearing, yes.

Q. And the Court asked you -- the Court asked this juror about postings on Facebook, did he not?

A. Correct.

Q. And the juror said she:

> Gave Ms. Becky my full access to my Facebook, and I've put positive posts on it. I've done that for the past three years.

Do you recall her testifying in that regard?

A. I do remember reading that.

Q. And the judge said: Has anyone posted anything on Facebook about you? And the juror answered: I was not aware of it until Ms. Becky told me today. Do you recall that?

A. I do remember her saying that.

Q. And do you recall the judge saying what did she tell me? And the juror said: She asked me if I had an ex-husband and I said yeah. Did you ask her that?

A. I remember her saying this, Your Honor, but I did not ask her any of these questions.

Q. And she further says:

She asked me if I had talked to him about the case or being on jury duty, and I said no. I had questioned her about why she was asking me that. I haven't seen my husband since 2014.

Do you recall her testifying to that?

A. I do remember that, yes.

Q. And with that having jarred your memory, do you recall asking her about her husband and his post?

A. Your Honor, I don't remember saying anything about that.

Q. Well, what was the post that you read in the Walterboro Word of Mouth? What, what was the nature -- you read that, did you not?

A. I did.

Q. What did it say?

A. My memory is a little fuzzy with that, but it was about a -- an ex-husband who found out that his ex-wife was on a jury, and he didn't think that she would be a good juror, and it just sounded very similar to what I had heard the judge and the attorneys speaking about.

Q. So, you then went to that juror and questioned her about that, did you not?

A. I did not, Your Honor.

Q. Well, she says in this testimony that she didn't know about the Facebook until Ms. Becky told me when she -- was

that incorrect?

A. I'm not saying ---

Q. Some kind of conversation went between the two of her -- for her to know about that post, correct?

A. That's true, and I'm thinking that it could have been someone. It wasn't me. I just know it's not me that she talked to about that.

Q. Well, when the judge, the judge was questioning the juror about this, she also said that she had three restraining orders against him, and she also said:

> I was very upset after she told me that. I have, like I said, I have three restraining orders against him, and I wouldn't have anything to do with him if I didn't have a child with him, but I haven't seen him since 2014.

She didn't -- y'all didn't discuss that, the restraining orders?

A. On the way from the jury -- from the jury room to the back chambers where the judge was, she was very scared. She was talking about the, the three restraining orders that she had out on her husband at the time they were divorcing, and she was scared that he would be trying to get back in contact with her again.

Q. Well, how did you know that? Did she tell you that?

A. She was talking about that on the way to the jury room

-- to the chambers with the judge.

Q. And in this hearing now that I'm looking at that the Court was conducting, she said -- they're asking about this Facebook post, and she said:

> Ms. Becky said she went -- had went to look for the post again and that it had been deleted. I don't know who she talked to or anything else, but she said apparently.

Do you recall her saying that?

A. I do remember her saying that.

Q. And the Court then said: What did she tell you about that? And the juror said: It was after you let us go on the last break; I was very upset.

This is what you're talking about:

> And she came down and talked to me and said that apparently -- I don't know who talked to him, but he, he said he was drunk and he removed the post.

Do you recall that?

A. Well, she didn't tell me that, and I didn't talk with her about that.

Q. Well, you saw that post, the so-called apology post, did you not?

A. Right. I did.

Q. And you assumed that was a post from her husband, did you not?

A. Right.

Q. And then you talked to the juror about that, did you not?

A. I did not talk with the juror about that.

Q. Well, who did you talk to about it? Did you bring it to the judge's attention?

A. No. We didn't get a chance to talk to the judge about that.

Q. The Court asked this juror: Has the clerk discussed anything about the case with anyone on the jury? The juror said: Not that I'm aware of. The judge said: Okay, she was just discussing with ---

> Juror: She pulled me aside when we went downstairs after the last break. I want to say it was after lunch, and we came back, and that's when she first told me about it.

About this, what we know now was a -- not a post from her husband.

A. Right.

Q. But you assumed it was a post at the time, and y'all had a conversation about it, correct? Don't just nod. Answer the question.

A. Yes, sir -- yes, ma'am. I believe that it was one of my staff that she talked to, and -- but it was not me that she talked to.

Q. And -- but the juror says:

And I want to say it was after lunch we came back, and that's when she first told me about it.

She's talking about you.

A. Correct.

Q. Then we went back into the court, and I never even got to sit on the jury.

The judge says -- the judge then stops the questioning and she exits the room. Mr. Griffin:

Your Honor, I think that satisfies it. She hadn't talked to anybody, hadn't expressed an opinion, hadn't made up an opinion. She's got an ex-husband that she had three restraining orders against him.

The Court said: Mr. Waters.

It's -- obviously we're all invested in this. My main concern, I certainly would love to -- not love to but want to hear, you know, what one of these individuals said but, you know, she answered the questions as she did.

Talking about the juror.

They then have a colloquy about this juror and whether this was really her husband that put this post in that you talked to her about and apparently talked to the Court

about at some point. Am I right?
A. That's right.
Q. And then at the end, the judge said that he was not too happy with your having talked to the juror before you talked to him. Do you recall the judge saying that?
A. Yes, ma'am, I do.
Q. And did you pop right up there and say what you're saying now, that you never talked to her?
A. We never talked about it after that. I wasn't in the room when he said that.
Q. The judge brought up another thing right after sentencing that I want to explore with you briefly. One of the big responsibilities of the clerk of court is to take control of the exhibits that are presented in court. Isn't that correct?
A. Yes, ma'am.
Q. And there were sealed exhibits presented in this case that were photographs of the two decedents at Moselle when the law enforcement authorities first investigated the murders. Do you recall that?
A. Yes, ma'am.
Q. And those photographs were sealed by the judge, were they not?
A. Correct.
Q. And when the testimony about them was completed, they

were under your control as the clerk of court, were they not?

A. That's correct.

Q. How was it that those photographs came into public view?

A. Are you talking about after the ---

Q. I'm talking about -- he alluded to it on sentencing and said that he was frustrated about it and was going to try to look into it. Those photographs that were sealed court exhibits under your control found their way into the public media, did they not?

A. I believe they did, and I think what happened, it was someone from the gallery took a picture from the screen that had some of the pictures on it, if I'm remembering correctly.

Q. Did you ever allow anyone in the press to view these sealed exhibits?

A. No, ma'am.

Q. Did you allow Netflix to ever examine the exhibits of the trial?

A. No, ma'am.

Q. How did you handle exhibits because you did have press have great access to the exhibits. And you say several times in your book that you had to stay after to be sure that you interacted with the press about these exhibits.

That's true, is it not?

A. That is true. We, we had Mr. Jay Bender. Then we had the, the pool photographers, and someone from maybe *The State*, I believe, or the *Post and Courier*, along with the court reporters, someone from Court Administration, and then someone from the clerk's office every night that would go over the exhibits to make sure everything was correct and in -- within our domain.

Q. Were any press people ever allowed to view the exhibits, even the sealed exhibits, that you had on file?

A. No, ma'am. No, ma'am.

Q. What was the methodology for allowing them to examine the exhibits? How did you handle that?

A. I wasn't there a whole lot with -- when we did this every night, but it's my understanding that the people that were involved with the exhibits, and especially the court reporters -- and there was a certain timeframe that they were allowed to take their pictures and everything was -- all the -- all of the pictures were looked at by the court reporters that were there and the lady from Court Administration, along with someone from my office and Mr. Jay Bender to make sure that everything was done correctly.

Q. What I'm asking is how you handled having them, the press, view these exhibits.

A. If I remember correctly, the press -- we had certain

designated photographers as in someone, I think, from *The State* or the -- or the *Post and Courier*, and they were responsible for putting it out to -- on a stream for the rest of the media to access.

Q. And would they do that by photographing the exhibits as they were in your possession after court was over that day?

A. That is correct.

Q. And how did you handle the sealed exhibits in terms of their availability when these press people are there photographing the exhibits?

A. They stayed sealed.

Q. And so you think that the -- you're aware of the fact that some of these on-the-scene photographs of the two decedents found their way into the public press. You're aware of that, are you not?

A. Yes, ma'am, I am, yes.

Q. And you contend that they photographed them in the courtroom?

A. That is what I heard.

Q. All right. Finally, you have indicated about your book that some things that you put in there were -- you called it literary license, not literally true, correct?

A. Correct.

Q. Did you ever by any kind of email communication or in

any, way, shape, or form indicate or state that you wanted a guilty verdict because it would increase the sales of book -- of the book? Did you ever say that in an email or verbally or in any other way?

A. No, ma'am, I did not. It didn't matter to me if it was guilty, not guilty, or a mistrial.

Q. Well, in your book you suggest the guilty verdict was what you wanted and you were fearful that, that a guilty verdict would not be rendered. You say a lot about your feeling about wanting a guilty verdict, do you not?

A. I do agree that that is said in the book, and, and part of that is because I think it was a guilty verdict.

Q. Well, this is way -- you're describing a time way before the verdict was rendered when you wrote about those things in the book. Isn't that correct?

A. It is, yes.

Q. And you even have something where you said your eyes met with jurors and others at Moselle and y'all have an understanding, unspoken, that he was guilty. You said that in the book, did you not?

A. I did say that in the book, and I would consider that part of the literary -- the words that we just said, but that, that -- there was nothing spoken with a juror at all at Moselle or anywhere else at the courthouse or anywhere. I think that was -- that's, that's part of that poetic

license that, that we write to make something more apparent. But at no time did I read or try to read someone else's eyes, and was just one of those gut feelings that, that I wrote in the book.

Q. You wrote in the book speaking of a time before the jury verdict was rendered:

> I was conflicted about knowing the Murdaugh family and about having so many people watching and listening to me as I read the verdict. I was mostly concerned about Alex being found innocent when I knew in my heart he was guilty. I had this fear that the goodwill the Murdaughs had built up in the community would influence the jury.

You wrote that, did you not?

A. Yes, ma'am.

Q. So, you had those feelings well before the verdict was announced in this case. You had some definite opinions and feelings about what the verdict should be, did you not?

A. I did have a certain way that I felt.

Q. And that wasn't ---

A. But I would never ---

Q. That's not any poetic license, what was said there. That's how you felt, correct?

A. Correct.

Q. All right.

THE COURT: Those are my questions. Anything further from the State, Mr. Waters?

MR. WATERS: Court's indulgence, Your Honor.

(A PAUSE.)

MR. WATERS: Very briefly, Your Honor.

THE COURT: Yes, sir.

FURTHER DIRECT EXAMINATION BY MR. WATERS:

Q. You were asked a number of questions about interactions during the in-camera proceedings with the juror who was excluded. Were you in the room during the entirety of those interactions or just brought in here or there as this occurred?

A. No. I was only brought in for my asking of my questions from Judge Newman.

Q. Okay, and you were asked a little bit about sealed exhibits and about Judge Newman's comments at sentencing at the end of trial, and just to clarify. Those were not pictures of any sealed exhibits. It was a picture that someone had taken in the gallery that had actually been disclosed, and that's what Judge Newman was talking about, to your understanding?

A. That was my understanding, yes.

Q. And then after the trial, there was even a post-trial hearing or some discussion about the fact that the -- some

body-cam videos had not been sealed, and Judge Newman fixed that problem after the trial. Is that correct?

A. Correct.

MR. WATERS: Nothing further, Your Honor.

MR. HARPOOTLIAN: Just a couple of questions, Your Honor.

THE COURT: Mr. Harpootlian.

FURTHER CROSS-EXAMINATION BY MR. HARPOOTLIAN:

Q. Let me understand this correctly. You would agree that you did release all of the exhibits in this case, sealed and unsealed, to the Texas film crew. Is that correct?

A. No, sir.

Q. Hm?

A. No, sir, I did not release the, the sealed exhibits.

Q. What about the two to Netflix? Didn't you indicate to the judge they'd been mistakenly released? You were getting them back?

A. As an error before -- when we realized everything -- yes, those two did go, and Netflix had not even -- they said they had not even looked at them.

Q. Did you get them back?

A. We did get them back, yes.

Q. Okay. What about the Japanese film crew? Did they get exhibits, the sealed exhibits?

A. They did not get any sealed exhibits.
Q. What about NBC Universal?
A. No sealed exhibits.
Q. But you do concede that Netflix did get sealed exhibits.
A. They did as an error. It wasn't listed ---
Q. Whose error?
A. Well, I would say the court reporter didn't mark it on the -- on the listing.
Q. Well, why were you in such -- why, why were you so accommodating to these national documentary folks? I mean, is this good for the book? I mean, the more documentaries out there about the Murdaugh thing, the better your book sales are? I mean, it was -- there was money in this for you, right? Again, it's about the money, right?
A. What's your question now? There's ---
Q. Isn't it financially beneficial to you and at the time to get more of these photographs out, more publicity, more Netflix, more HBO, more Japanese -- doesn't that sell for you? Didn't you see a financial advantage?
A. Not at all.
Q. Okay.

MR. HARPOOTLIAN: Thank you. No further questions.

THE COURT: All right, Ms. Hill, you may step down.

MR. LEWIS: Your Honor.

THE COURT: Hang on for a moment.

Mr. Lewis.

MR. LEWIS: Is she excused from her subpoena? I just want to make sure she's now excused from her subpoena.

THE COURT: I want her to step down. Yes, she's still under subpoena, but I haven't heard what's going to be said. Mr. Harpootlian still has some things he wants to raise about other witnesses and so forth. So, what I would prefer is that she remain with you, Mr. Lewis, until we see what else is going to happen.

You may step down.

(THE WITNESS EXITS THE STAND.)

THE COURT: All right, Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor, we've got literally millions of pages of documents in this case. Ms. Miller just uncovered an email relevant to what you asked. We don't have it printed out, but what it is, is a email to Rebecca Hill from Miho Takeuchi, Takeuchi something. Miho, first name:

> The Beaufort McDowell body cam should not have gone to you. Please get rid of it. Do not use it. The judge, Judge Newman, specifically ordered that body cam not be used if it got out. Apparently it's still on the video. I appreciate your attention.

What about the -- he writes back:

> What about the other body-cam video we can -- we can see on many news documentaries? Can you provide it? It seems the camera's on the other police person.

I mean, here she's having emails between this Japanese production company about body cams, telling them not -- telling them to get rid of it. I think that's important, and I can have a copy of this printed out for you when we get it to a printer, for the record.

THE COURT: That would be fine. Do you want to offer it as an exhibit?

MR. HARPOOTLIAN: I do.

THE COURT: All right, Mr. Waters.

MR. WATERS: I have no objection. If I could ask the date of that?

MR. HARPOOTLIAN: The date is July 17, 2023, July.

THE COURT: All right, that's one thing. What else? I will admit it; I will allow it. That was -- that is impeachment of her testimony to me that she did not send any emails.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: Or release anything.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: In fact, she changed that testimony on

redirect when she said she did, so-called by accident, release the thing.

MR. HARPOOTLIAN: That doesn't appear to be by accident. So, we'd like that made part of the record.

Secondly, I have sitting outside the courtroom the clerk of court for Barnwell County, Rhonda McElveen. She specifically denied saying certain things to the clerk of court.

THE COURT: She did.

MR. HARPOOTLIAN: Of Barnwell County and denied doing certain things. I think you're going to find her testimony extraordinarily instructive and educational, and it shouldn't take -- I would be shocked if it took twenty minutes.

THE COURT: Well, in light of the answers she gave to my questions and some of yours in that regard, I'm going to allow it.

Now, I want to know what else we're looking at here.

(A PAUSE.)

MR. HARPOOTLIAN: Your Honor, I want to hand up to you an affidavit from a witness we would propose to provide in addition to -- in addition to the clerk of court. This is a alternate juror, not the egg lady. This was the alternate juror who was dismissed when she was not needed for deliberations and she is here, also ready to testify.

And I would expect her testimony to take about the same time as one of those jurors this morning.

THE COURT: Sir?

MR. HARPOOTLIAN: I would expect her testimony would take about as much time as one of those jurors this morning.

THE COURT: This is your offer in refutation of the testimony Ms. Hill has given today?

MR. HARPOOTLIAN: She denied saying anything ---

THE COURT: She denies saying anything, that's correct.

MR. HARPOOTLIAN: Yes. Yes, Your Honor.

THE COURT: Now, is this -- is this juror, alternate juror going to testify?

MR. HARPOOTLIAN: She's here, yes. Yes, Your Honor. She's sitting...

THE COURT: Well, you say she's here. She's available?

MR. HARPOOTLIAN: Yes, ma'am.

THE COURT: Mr. Waters.

MR. WATERS: Your Honor, a couple of things on this particular alternate juror. We've just been handed this particular affidavit. Your Honor, I believe that Your Honor had correctly ruled that the focus, again, was on those jurors. An inquiry has been made to those particular

jurors. I don't know why we would go into detail with an alternate juror that ultimately did not sit in any deliberations and cannot testify as to any effect on the verdict, which is the ultimate inquiry before Your Honor. And so we would -- we would object to this particular testimony as far as it relates to the alternate juror.

THE COURT: Here's the one thing that gives me some heartburn, and you can help me with this, please. I stand by the rulings I have made that only jurors can be questioned about the effect on their verdict, and that is why I did not allow the testimony of the egg juror in that regard.

He is now offering this testimony, and it's testimony of certain things that were said to the jurors as a whole rather than just to this particular juror. And I would, as I say, I would ordinarily not allow this, but Ms. Hill testified several times during the course of her just concluded appearance that she never told any jurors anything along the lines of what has been asked here, particularly the comments about they're going to say things that will try to confuse you or throw you off, things of that nature. She was asked that, and she denied she ever said anything like that. So, this is an attempt to impeach, as I see it, and that's what's giving me a little heartburn about just turning him down flat.

MR. WATERS: Well, a couple of things as to that, Your Honor. First of all, I, I think we have some very specific statements and a specific individual that's mentioned here. And so if we're looking at Rule 613(b), which is essentially where they're operating, I don't know that there was an appropriate foundation laid as to the specific time and to whom these specific statements were made. I think that it needed to be cleaner with regards to that as to, you know, mentioning this particular person and as much as you can the time and place and the very specific statements that were made.

I think Mr. Harpootlian -- again, we have these general allegations and kind of went through those, but I don't know what -- now that we were just handed this affidavit that they were set forth as an appropriate clarity that's required by 613(b). So, I think there's a failure there.

THE COURT: Mr. Waters, look for a minute at paragraphs 3, 4, 5, 6, 7. Those paragraphs all address things that had been asked her, and they are pretty specific as to time and place. And the content of this testimony is an attempt to the impeach her, Ms. Hill's, testimony. That's, that's why I, as I guess colloquially, I said I'm having a little heartburn about excluding this is because she was asked directly about these matters, and

this testimony would be in conflict with that, which would be permitted to impeach someone.

MR. WATERS: Right, and, Your Honor, I certainly understand the point. I guess I would have just two points to that. Number one is that we've already talked about this evidentiary hearing is, is within your discretion and the manner, particularly when you're talking about jurors and the manner to be conducting that. Now we're talking about putting a juror on the stand and having attorney examination.

I think under the case law, that's within your discretion as to how that inquiry should go as opposed to were we purely in a trial setting and, and applying the evidentiary rules. But if we're applying the evidentiary rules, again strictly apply. I think -- I don't know that they have laid the foundation with enough clarity to offer extrinsic evidence under 613(b), and that would be our argument, that we just had generally discussions with of these concepts but not place, time, and person to whom it was made with the specificity that 613(b) requires. So, that would be our evidentiary objection in the event that Your Honor is, is addressing those. So, that would be our position.

And I do also, I -- before we get started, I want to go back and address the sealed exhibits issue whenever it's

appropriate.

THE COURT: Sure, sure, sure.

MR. WATERS: Now I'd be happy to do that.

THE COURT: Mr. Harpootlian.

MR. HARPOOTLIAN: Your Honor.

THE COURT: Slow. No. Slow for a minute. I'm turning to Mr. Waters to try to get some clarity about why he objects to this testimony. One is the 613 issue that he's explored, and I understand that. He now wants to say something about the sealed exhibits, so I want to hear from him on that, and then you can reply to both of them.

MR. HARPOOTLIAN: I'm sorry, Your Honor.

THE COURT: That's all right.

MR. HARPOOTLIAN: I'm distracted by Mr. Barber.

THE COURT: I understand.

MR. WATERS: And, you know, finally, going back to the juror issue, we would also raise 403 as well just because of the nature of the inquiry we're here to assist.

Going back to the sealed exhibits, I just want to clarify for Your Honor. Mr. Griffin and Mr. Harpootlian were at this hearing. After the trial, there was a release of -- and these were publicly filed exhibits -- of a number of exhibits. What also got released at the time were two body-cam exhibits which had images of the victims at the scene. Those had inadvertently not been marked as sealed

exhibits, and ultimately then we had a hearing in front of Judge Newman, and essentially those were clawed back. And so I just want to be clear that when we're having testimony about that particular thing as it relates to what Ms. Hill was saying, that that was what was -- those were the sealed exhibits that were released. And again at the time, they had not been marked sealed, and that was sort of retroactively fixed.

And then the other issue, of course, is, Your Honor, is, is again that the issue that Judge Newman was talking about after sentencing was a gallery photo. It was not a -- what apparently would be a, you know, maybe a press fellow -- photo of the exact exhibits.

And what we did at trial, and Mr. Harpootlian can speak to this and Mr. Bender could as well, is at the end of each day, first of all, sealed exhibits would have a coversheet or folder that they would be in, and then they would verify with the parties that these are the -- these are the okay exhibits, these are the sealed exhibits, and then at that point after court was concluded, the media would then be allowed to review and/or photograph or get copies of the unsealed exhibits. So, that's just how the procedure was working.

THE COURT: That's very helpful to clarify this because I now see this in perspective that there were --

that the materials that were photographs at the scene or depictions at the scene of the two victims, what you're telling me is that those were inadvertently released after the trial by, I guess, by -- well, it would have to be by the clerk of court. She's the one that had them. And they were -- and they weren't properly marked.

MR. WATERS: That's correct.

THE COURT: And they were then clawed back.

MR. WATERS: Yeah. They were the two body-cam videos, and so in those videos they weren't -- they weren't physical images, but they were the body-cam videos, and then in those videos you can see the victims at the scene. Those two exhibits, to my recollection, were the only two that should have been sealed but they, in fairness, were not marked sealed, and that's how they got released.

THE COURT: And that's how they got out.

MR. WATERS: The second we realized there was a problem, we took care of it and, and clawed those back.

THE COURT: That, that clarifies that issue for me. So, frankly, that puts my mind at ease about what happened there.

Now, Mr. Harpootlian, I'll come to you momentarily.

Anything else?

MR. WATERS: No, ma'am, Your Honor.

THE COURT: Okay. Now, Mr. Harpootlian.

MR. HARPOOTLIAN: A couple things I, I -- I'd like to point out. The first is this. In terms of the statement by this alternate juror, she was interviewed by SLED on video. Said exactly the same thing that she's saying in this affidavit weeks if not months ago. So, they know exactly what she said. I can assume they've reviewed it.

By the way, I asked -- basically read from this affidavit as I cross-examined the clerk, and she denied each one of these statements.

The second piece of that is this.

THE COURT: I know. It's on that basis that I'm even pursuing the idea of your offering something by way of impeachment. So, I understand that.

MR. HARPOOTLIAN: And secondly, as to the sealed exhibits, I think we're going to hear testimony from Ms. McElveen that may elaborate on your concerns based on our interview with her this morning.

THE COURT: All right. Well, here's what we're going to do. It's about 3 minutes of 3, which is when I generally take my afternoon break. I'm going to adjourn the court or recess the court, and we come back at 3:15, and I will allow you to offer Ms. McElveen and the alternate.

I want to make it clear that they will be offered on what we've talked about: matters about which Ms. Hill

testified that you think are impeached by Ms. McElveen's testimony and that you think are impeached by the alternate juror's testimony. So, it's -- and the alternate juror's testimony, as I look at it, is the part that -- about which impeachment would lie would begin at paragraph 3.

MR. HARPOOTLIAN: Yes, ma'am.

THE COURT: So, you understand what I'm saying?

MR. HARPOOTLIAN: Yes, ma'am. I'll make you one other offer.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: Today and today only. Egg lady is across the street.

THE COURT: Well, I ---

MR. HARPOOTLIAN: No, no, no. If you want to put her on the stand.

THE COURT: No, no. I've made my position quite clear on that. I think we've got in the record what is needed in terms of what she says Ms. Hill says and what Ms. Hill says she says.

MR. HARPOOTLIAN: I, I agree. We did not intend on calling her. I didn't want you miss the opportunity if you wanted the opportunity to examine her.

THE COURT: Thank you, Mr. Harpootlian.

All right, court will be in recess until 3:15.

(OFF THE RECORD.)

THE COURT: Please be seated.

All right, Mr. Harpootlian, I believe it's you to present your witness.

MR. HARPOOTLIAN: Yes, ma'am.

THE COURT: Please do.

MR. HARPOOTLIAN: Rhonda McElveen.

RHONDA McELVEEN, BEING DULY SWORN, TESTIFIES AS FOLLOWS:

CLERK OF COURT: Thank you. Please have a seat on the witness stand. State your full name for the record, and please spell your first name and last name.

WITNESS: Rhonda McElveen, R-h-o-n-d-a M-c-e-l-v-e-e-n.

DIRECT EXAMINATION BY MR. HARPOOTLIAN:

Q. Ms. McElveen.

A. Yes, sir.

Q. Say your name. Say your name for the record again, please, so I can make sure I can hear you.

A. Rhonda McElveen.

MR. HARPOOTLIAN: Your Honor, can you hear me?

THE COURT: I can't hear you great, Dick. I can hear you, but I would doubt that anybody past the lawyers can hear you.

MR. HARPOOTLIAN: Is that better?

THE COURT: Is that thing on, Mr. Bailiff? I don't

want to get into the thing going haywire again.

MR. HARPOOTLIAN: Well, I can speak up; I'll just speak up. How about that?

THE COURT: It's just not on at all, though.

MR. HARPOOTLIAN: No, it's on.

THE COURT: Is it on? Okay. All right, Mr. Harpootlian, you may proceed.

MR. HARPOOTLIAN: I'll speak a little louder.

THE COURT: Thank you.

Q. Say your name again for the record, please.

A. Rhonda McElveen.

Q. And, Ms. McElveen, what do you do for a living?

A. Clerk of court and ROD for Barnwell County.

Q. Clerk of court and what?

A. Register of deeds. I have two titles.

Q. Two titles, and is that an appointed or an elected position?

A. Elected.

Q. So, you're elected by the people of Barnwell County?

A. Yes, sir.

Q. And how long have you been the clerk of court for Barnwell County?

A. This is my sixteenth year.

Q. Sixteen years and ---

A. And I'm running again, sir.

Q. You're up this year, '24?
A. Yes, sir.
Q. All right. Don't think I'm allowed to plug that, but you have been a clerk for sixteen years. You're up again this year. Now, do you know the clerk of -- well, back up just a second. Do you hold any position with -- is there a state organization of clerks of court?
A. Yes, sir. I'm actually the president of the South Carolina Clerk of Court and Register of Deeds.
Q. Okay, and that means that of the forty-six -- there are forty-six of y'all. Is that right?
A. Yes, sir. Yes, sir.
Q. And you were elected to be the chairman of that group?
A. President of that group.
Q. President of that group. Now, do the -- are there certain rules and, and, and constraints that clerks should operate under in terms of dealing with juries?
A. Yes, sir.
Q. And is there training for that or a book for that, or how do you learn that?
A. You have your clerk of court manual for one; that's on the judicial website. You also have the law books that have it in there. There is actually two separate forms, SCCA 237 and 238, maybe, that has regulations in it, and then we also have in the handbook that -- or not handbook

but in the program within the CMS system, they actually have rules and stuff you can go by as well.

Q. Now as a clerk of court, are part of your duties to deal with juries?

A. Yes, sir.

Q. To, to -- I mean, we understand there's a jury venire that's brought in at the beginning of a term, and then individual juries are picked for both civil and criminal cases. Is the correct?

A. That is correct, unless it's a nonjury trial.

Q. And then there's just a judge like we're doing here, right?

A. Yes, sir.

Q. And in the process of picking juries, do you assist as clerk of court -- when I say assist, who, who actually picks the -- picks the jurors out of a hat or however, whatever the process is?

A. Well, actually the first process is you draw a jury by computer through the CMS system, and summonses are sent out. And then once we come to court, we usually do a roll call to see what everybody's doing, their jobs and everything, to help the attorneys decide which jurors they would like to get. They have so many strikes, et cetera. And then you call the names and have the strikes, and then that's, that's your jury pool.

Q. And then the judge will seat a jury in a jury box like -- although I've never quite seen a jury box that looks like that, but a jury box in a courtroom, right?

A. That is correct.

Q. Your jury box in Barnwell County, like, two rows of seven or eight people?

A. Well, I actually have a jury box on both sides of the courtroom. I have the grand jury on one side that convene, and then I have the petit jury on the other side when they convene.

Q. Okay, and the jury, they're sworn by the judge, and then they're put in the jury box, and then they begin to hear arguments and testimony and jury charges by the judge. Is that correct?

A. Well, actually, sir, where we do it, the clerk of court usually swears them in with the judge presiding over the whole deal.

Q. Once that jury is sworn in, what is your role in terms of dealing with those jurors individually or as a group? Are you allowed to talk to them individually? To pull them out to converse with them about your opinion about the case?

A. To pull them out of the trial while we're going on? Q. Yes, ma'am.

A. No, sir, we're not. If they're on a break, et cetera,

or if they request to see someone, then we manage -- actually, I'll go in, the door open. I'll say which one of you needs to see someone. It might be the judge, and I'll say hold on, and then I'll go get my judge. Say we've got a juror that needs to speak with you.

Q. And do you converse with jurors about the merits of the case, the merits of whether someone is guilty or innocent or whether a plaintiff or a defendant should win in a civil case? Do you ever do that?

A. No, sir. About the most, the only thing I ever do is go in and count them and tell them I can count up to fourteen without even using my toes, and then I might get their lunch order. That's it, and the doors are usually open when I'm doing that.

Q. And you have bailiffs that sit with the jury or sit outside the jury room?

A. They sit outside the jury room, and usually there's one beside them in the courtroom in case somebody needs something, but usually they'll catch my eye or they'll catch the judge's eye and we'll get something handled.

Q. So, did you have any contact with the clerk of court in Colleton County prior to her being elected the clerk of court of Colleton County? Did you know her before she was the clerk of court?

A. No, I did not.

Q. Did you come to know her once she was elected clerk of court?

A. Yes, I did.

Q. And was it a pleasant relationship?

A. It was.

Q. And how did you come to be -- cut to the chase. You ended up being in the courtroom during the *Murdaugh* trial for part of those six weeks. Is that correct?

A. Yes, sir.

Q. How did you come to be there?

A. When Becky and I met each other at a conference, clerk of courts conference, she was discussing that she had that trial coming up, and I knew that she was relatively new, and I said I'll offer to come help you if you would like. And I think she ended up talking to Judge Newman about it, and they both said yes, it would be good that I was there.

Q. Okay. You tried a murder case or two in the past, correct?

A. Yes, sir.

Q. Okay, and did you go and help Becky Hill try that murder case?

A. I did. I couldn't go for the first three days because I had court going on in Barnwell, and I could not be in Colleton County.

Q. Okay. Now to your knowledge, had Ms. Hill ever been a

clerk of court that managed a murder trial prior to this?
A. Not that I'm aware of, sir.
Q. So, this was her first murder trial as far as you know?
A. As far as I know of this magnitude. I don't know if they one before then or not.
Q. Now, when -- did y'all -- initially, what were you talking about in terms of logistics and how you did it and all those sorts of things?
A. Yes, sir.
Q. During that -- before the trial, before we ever picked a jury, did you -- did she ever discuss with you that she was going to write a book?
A. Yes, sir, that she wanted to write a book, yes, sir.
Q. She wanted to write a book. Did she indicate what the book was going to be about?
A. About the trial.
Q. About the *Murdaugh* trial?
A. Yes, sir.
Q. And did she discuss with you -- what, if anything, did she discuss with you about how she felt the verdict should turn out to be in the *Murdaugh* trial vis a vis in reference to the book, what would help the book?
A. A guilty verdict.
Q. Tell the judge and, and me what exactly she said to

you that you remember. This is prior to the trial.
A. Okay. Well, first of all, she said we might want to write a book because she needed a lake house and I needed to retire, and from then, further conversation was that a guilty verdict would sell more books, and we left it at that. This was before even in December.
Q. And, and when, when -- did she ever say that again to you during this -- the, the weeks you spent there?
A. Several times. It could be said -- it was, you know, amongst friends in her office or we might be having dinner, that kind of stuff, but that's about it.
Q. That she needed a guilty verdict to sell more books?
A. That would be the best way to sell books, yes, sir.
Q. The best way to sell books.
Now, during this -- during this process, did she ever express to you an opinion on whether or not, in fact, was Mr. Murdaugh guilty of the murders of his son and his, his wife?
A. Yes, sir.
Q. Tell me. Tell me what she said and if you remember when.
A. I don't exactly remember when. I know it's over half of the trial had already happened, but the evidence was coming forth that it looked like he might be guilty. She made a comment that guilty verdict would be better for the

sale of books.

Q. Okay. Now, as a result of a conversation you had sometime during the trial -- I don't want you to relay to me the, the -- what was told you. Did you have a discussion with the clerk, Becky Hill, about her being with jurors on her own?

A. Yes, sir, I did. One morning I showed up to Colleton County, and I was told that she had taken a juror home the night before, and I was in the courtroom and I saw her. And it was between the pews and where the back row pews are, and I mentioned to Ms. Becky. I said please tell me you didn't take a juror home last night. And she told me, she says I did but I didn't talk about the case. I had a bailiff with me; Mr. Bill was with me. I said Becky, you don't do things like that.

I thought we had stopped everything and wasn't far enough along to really cause a major problem, or I would have told Judge Newman. But I thought we had an understanding that you did not spend time alone with the -- with the jurors.

Q. Okay. Now, I'm going to read you some statements. Well, first of all, did you ever hear her say anything in front of you to a juror about whether or not -- on the merits of the case? That is, whether or not he was guilty or innocent or what you should pay attention to? Did you

ever hear her -- what, if anything, did you ever her say to a juror or in the presence of a juror? Anything?

A. No, sir.

Q. Okay, but let me ask you if you've ever heard her say these statements and if so, to who: Don't be fooled by the evidence presented by Mr. Murdaugh's attorneys. Which I understand -- I mean: Do not be fooled by the evidence presented by Mr. Murdaugh's attorneys. You ever hear her say that?

MR. WATERS: Your Honor, at this time I would object. This witness was specifically called as a Rule 16-3(b) extrinsic evidence. I think we've covered the two grounds that would be permissible for her to testify to, and I believe that that should be the extent of her testimony. So, we would object to any further extrinsic evidence as improper impeachment and also irrelevant.

I think that the issues that were raised with the prior witness have been covered, and that was the express reason that this witness was called, and Your Honor will have the testimony.

THE COURT: Overruled.

You may continue.

MR. HARPOOTLIAN: Thank you, Your Honor.

Q. Did you ever hear her say that?

A. Can you repeat the verbiage?

Q. Don't be fooled by the evidence presented by Mr. Murdaugh's attorneys.

A. Yes, I did.

Q. And was it -- who was it said to?

A. It was said to me.

Q. Okay.

A. And sometimes it might be a staff member in her, her office or someone from the media there, but other than that, I didn't hear her say it out there in front of any jurors.

Q. Did she ever say to you or to other people around you, not talking about jurors:

Watch him closely.

Talking about Mr. Murdaugh.

Just, just before he testifies. Look at his actions. Look at his movements.

Did you ever hear her say that?

A. Yes, sir.

Q. Okay. Did you ever have any conversations with the bailiff, Mr. Bill?

A. Yes, sir.

Q. Did he ever discuss with you the clerk's contact with jurors?

A. No, sir.

Q. Okay. Did you ever hear her say that the defense was

going to try to confuse the jurors? Did you ever hear her say that?

A. No, sir, I don't think so.

Q. Okay. Now, let me deal with one last area. Let me see if I can simplify this. There were -- there was a setup in the courtroom ---

MR. HARPOOTLIAN: Pardon me. Got a little frog in my throat, and I'm fine. Thank you.

WITNESS: I'll share my bottle over here if he wants part of it.

MR. HARPOOTLIAN: Once a clerk, always a clerk.

Q. So, I was there. You were there. This judge was not there, and prosecution table's over here. Defense table's over here. Judge is up here, and then there's a rail behind which the clerk was and because of all the massive electronic equipment we had and the big screens, there was an area over on my right facing the judge, and then I think you were located in that area right between the judge in that area. Is that correct?

A. You talking about in the well area?

Q. Yes, ma'am.

A. Okay. Yes, sir.

Q. Now.

A. For the most part. Sometimes I was out there with the screen.

Q. Right.
A. In the gallery.
Q. Right, but there was a screen in -- on which you can see not only what the gallery back there could see but the, the, the images that only the jury was supposed to see that were under seal. Is that correct?
A. That is correct.
Q. Now, there's a woman named Ronda. A writer, correct?
A. Rich.
Q. Rich. Tell me who she is.
A. At the time, we did not know who she was. The first time -- the first time they were there, we didn't know. And then she came in Ms. Becky's office the night before, and she asked if she could have another seat in the courtroom for the next day, and Ms. Becky said yes. And she says and what's your name again. And the only reason why I remember Ronda because, of course, my name being Rhonda. And the next day Ms. Rich was sitting -- I don't know how to tell you, but she was sitting -- do you know where Doug was sitting?
Q. Yes, ma'am.
A. All right.
WITNESS: I know, Judge, you don't know where Doug was sitting, but anyhow.
Q. But Doug was the audiovisual guy, and he had access to

the unscreened, the unsealed images, correct?
A. Yes, sir.
Q. And she was sitting right next to him, right?
A. Yes, sir, in that little part.
Q. So, she could see the body cam. She could see the unredacted court pictures, the autopsy pictures, all the photos that the judge had sealed, correct?
A. Well, no. Only thing she could see was what was being put up at the time.
Q. Right. Right.
A. Okay.
Q. But as they were put up, she could see them.
A. Right, but they tried their best to seal it where you couldn't, but you could still see it there. I didn't see any of those, okay?
Q. Right, but she could see it.
A. Right, and Doug was really having a problem with that, and I can also tell you that our court reporters didn't know who she was either, okay?
Q. And she turns out to be a writer, correct?
A. Yes, sir. After, I found out. Yes, sir.
Q. Her name is Ronda Rich?
A. Correct.
Q. She was given access to areas that only court personnel should have had access to?

A. Right, but then, then we broke, and then she moved her in the well with me. She was on my left, and either Elizabeth or Mike was on my right, and I noticed she was taking notes, and I asked her what was she doing taking notes. She said I'm a Sunday school teacher. Well, I immediately covered up everything I had, so.

Q. You don't trust Sunday school teachers? You don't trust Sunday school teachers?

A. Let me just -- there's too many preachers in my family on both sides, okay?

Q. So, you determined she was not a Sunday school teacher. You later learned on -- learned that she was a writer writing about the *Murdaugh* case, correct?

A. I don't know if she was ever a Sunday school teacher or not. I don't know even know where she goes to church or anything, so I can't tell you that answer. But I did find out she was a writer because after -- shortly after she was put there, and evidently after I covered everything up, shortly after that Judge Newman asked for a recess so we could find where people were going to be working. And that's when we point -- she put Ms. Rich out in the gallery in control of that screen.

Q. And, and she ended up writing the foreword to Becky's book. Is that correct?

A. That's -- yes, sir.

Q. Okay, and Becky gave her access to areas only court personnel should have had. Is that correct?

A. That is true, but now I'll be honest with you, sir. There's been a couple times when we had other people that were sitting on that side. We weren't planning on seeing sealed documents that day.

Q. Right.

A. But there were some other people that sat there but nobody that actually sat in the well that wasn't court people.

MR. HARPOOTLIAN: Beg the court's indulgence.

THE COURT: Mr. Waters on cross-examination.

MR. HARPOOTLIAN: Your Honor, if I could have just one second?

THE COURT: Oh. Okay.

(A PAUSE.)

WITNESS: Judge, do you have an extra bottle of water up there you're willing to share?

THE COURT: Sure.

WITNESS: Oh. Ms. Elizabeth's got one. Thank you.

THE COURT: Great.

MR. HARPOOTLIAN: Your Honor, I'm done with this witness. Thank you.

CROSS-EXAMINATION BY MR. WATERS:

Q. Ms. McElveen, how are you doing today?

A. I'm good, sir. Please call me Rhonda.
Q. I always called you Ms. Rhonda. I've known you a long time as well.
A. Yes, sir.
Q. In fact, I tried one of those murder cases in front of you years ago. Is that right?
A. Yes, sir.
Q. Wanted to ask a couple of things. I won't be that long, and one of the things that you said earlier is you said when you initially were talking to Ms. Hill, you said she said something like we ought to write a book or something?
A. That is correct.
Q. Okay, and so did y'all have any further discussion about you writing a book or participating in a book?
A. Oh, no, sir.
Q. Or anything like that?
A. I'm crazy enough not to write one.
Q. Okay. During the course, though -- after the trial, she did send you, like, chapters and things like that to take a look at?
A. We did -- I did get to see a couple of drafts of the -- of the manual.
Q. Okay. So, she did send you those to take a look at to review and that sort of thing. Is that correct?

A. Correct.
Q. Okay. All right, and you were asked a ---
MR. WATERS: And again, Your Honor, just to, to be clear, I've made some objections.
THE COURT: You do not waive any objections by cross-examination. They are all preserved.
MR. WATERS: Thank you, Your Honor.
THE COURT: You may proceed.
MR. WATERS: Thank you, Your Honor.
Q. You mentioned, you know, some statements that you attributed to, to Ms. Hill, you know, during the course of conversations during the course of trial. Is that correct? Just, just things like watch him closely, watch his mannerisms?
A. Correct. Correct.
Q. Things like that, and where were those conversations? Were those conversations taking back -- taking place back in the clerk's offices with the clerk's staff and people like that?
A. Yes, sir, in the clerk's office. It might have been downstairs in the bathrooms.
Q. Okay.
A. Some of us had privileges to go to.
Q. All right. So, y'all, you and Ms. Becky and, and other court staff maybe just discussing the case and that

sort of thing. Is that correct?

A. That's correct.

Q. And people were expressing their opinions about what was going on and that sort of thing. Is that correct?

A. No. When we were having those discussions, there weren't more than to one or two, three people there.

Q. Okay, but just a few people there just talking about behind the scenes. That's what I'm driving at.

A. Yes, sir, behind the scenes.

Q. It was behind the scenes, and it's not uncommon for, you know, clerk's staff behind the scenes. Not to the parties, not to the litigants, not to the jurors, but among themselves back in -- you know, in the hallways back there to talk about the day's activities and things like that. Is that -- is that fair?

A. That's correct.

Q. Okay, and that's a big difference between the natural conversations of people that work together, court staff and the like, have with each other and actually having those conversations in front of the jurors, right? There's a big difference between those two, correct?

A. Yes, sir.

Q. Okay, and it's not uncommon for you. You're a clerk of court. You got people that work for you. Y'all are going to have a lot of conversations about what's going on

that are not to be shared, particularly with jurors, but, but with the public as well. Is that fair to say?

A. That is true.

Q. Okay, and so there, there were conversations like that going on that, that you were privy to and part of. Is that correct?

A. That's correct.

Q. All right, and you mentioned a little bit about -- well, let me ask you this. There are all these conversations going on, and that's natural. That happens, private conversations with court staff behind closed doors, but you never once saw or observed or had anyone tell you that any of those conversations were being shared by Ms. Becky with any jurors. Is that right?

A. That is correct.

Q. All right, and if -- and if that had happened, if you had observed anything untoward or improper going on at this particular trial, you would have immediately gone to Judge Newman as part of your obligation. Is that correct?

A. That is correct.

Q. And you never did that because you never observed anything like that. Is that correct?

A. That is correct.

Q. All right. All right. Now, you were asked a little bit about Ronda Rich, who was a member of the media and how

she was placed kind of back where the defense IT guy was. Is that correct?

A. I didn't say she was part of the media, sir.

Q. Okay. Well, she was a writer.

A. Yes, sir.

Q. Okay. All right, and then you said that, that eventually, though, Judge Newman stepped in and then she was moved out into the -- into the gallery in charge of the screen out there. Is that ---

A. Right, but I don't know -- I thought Ms. Becky moved her. I'm not saying Judge Newman did.

Q. Okay. All right, and over there in that area of the -- if, if we look in the courtroom, there was sort of the grand jury box over here, and that was where Court TV and media was stationed and that sort of thing. Is that correct?

A. That is correct.

Q. All right, and, and inevitably there were media members that could view some of the images that were being shown, and they were being shown, and they were just not able to report, but just because of the nature of the way the courtroom was. Is that accurate?

A. Well, I was told they couldn't see it, so I don't know what they actually saw. I didn't discuss it with the media.

Q. All right. You never had a conversation with Court TV or anything like that?

A. Other than the fact that be careful what they put on the front page of the *New York Times* on me.

Q. All right. All right, and you're not aware of any image or confidential information or sealed image or anything like that that was ever made privy to Ms. Rich that, that was ever put in any sort of publication or anything like that. Is that correct?

A. Not that I'm aware of, sir.

Q. Okay, because if you had found out about that, too, you would have immediately gone and reported that to Judge Newman because you would have said that's improper, that I need to go report to, to the judge, correct?

A. Correct.

Q. And you never once saw anything during the entire course of this trial that caused you to say you know what? I got to go talk to Judge Newman. Something ain't right about what's going on here. Is that correct?

A. That is correct.

Q. And you would have done that without a doubt if you had seen that, correct?

A. Yes, sir.

Q. All right. Now in looking at, you know, back at this trial, you, you mentioned that there was a few days at the

beginning of trial that you weren't there because you had your own court to take care of back in Barnwell County, correct?

A. Correct.

Q. All right, and then pretty much after that, I guess you were pretty much present the majority of the remainder of the time. Is that fair to say?

A. I was.

Q. Okay.

A. I had one medical procedure done. I missed two days, but basically other than that, I was there every day.

Q. All right, and there was a period of time, though, during the middle of the trial where Ms. Becky had, had a medical issue and, and had to be absent from the courtroom for about a week or something like that.

A. That is correct.

Q. Okay, and during that period of time, you were present and, and functioning as the lead clerk of court during that time.

A. That's correct.

Q. All right. So, the reality is, is that you were present for, you know, probably as much if not more than anyone in the clerk's function, function during the course of this trial. Is that fair?

A. Yes, sir.

Q. Okay, and, and again, just to reiterate, there was not one time that you observed or came in possession of any information that you were, like, I got to go talk to Judge Newman about this?

A. No, sir.

MR. WATERS: Court's indulgence one moment.

(A PAUSE.)

MR. WATERS: Nothing further, Your Honor.

THE COURT: Very good.

Mr. Harpootlian, yes, sir.

MR. HARPOOTLIAN: Half a -- half a question.

THE COURT: All right.

REDIRECT EXAMINATION BY MR. HARPOOTLIAN:

Q. Mr. Waters indicated to you that you were not aware whether or not -- and you agreed you never witnessed her talking to a juror about the evidence. Is that correct?

A. That's correct.

Q. We agree on that. Do you know -- and -- but she did admit to you that she had -- she had been with a juror alone in a car for some period of time when you confronted her with that. Is that correct?

A. Yes, sir.

Q. And did she indicate to you what she talked to that juror about while they were alone in the car?

A. No, sir. She told me -- the only thing she told me

was that she did not discuss the case. That she had Mr. Bill, the bailiff, with her and he could tell her that -- tell, tell that.

Q. And, and when she said she didn't discuss the case, did you bring that up or did she bring that up?

A. She brought that up.

Q. You didn't say shouldn't be with him because it's frowned upon?

A. I did tell her that. I cautioned her on doing that because the perception of dealing with the jurors one-on-one was not tolerated.

Q. Is not tolerated?

MR. HARPOOTLIAN: Thank you.

THE COURT: Thank you, Ms. McElveen. You may be excused.

WITNESS: Thank you, ma'am.

(THE WITNESS EXITS THE STAND.)

(A PAUSE.)

(AFFIDAVIT OF ALTERNATE JUROR MARKED INTO EVIDENCE AS COURT'S EXHIBIT NUMBER 5.)

THE COURT: All right, Mr. Harpootlian, call your next witness.

MR. HARPOOTLIAN: Your Honor, we call Juror 741.

THE COURT: I know you're not going to -- well, that's right. She's an alternate. That's all right.

MR. HARPOOTLIAN: Somebody's going to get her, Your Honor. We're not going to assign her a letter. We'll just go with 741.

THE COURT: I gotcha.

MR. HARPOOTLIAN: And, Your Honor, while she's coming, my understanding is I'm limited to four questions.

THE COURT: Yes, sir. I have a copy and I have given the court reporter a copy of this affidavit with the name obscured and the number, I think, as well, but the affidavit that supports this testimony which you're about to offer is Court's Exhibit 5.

MR. HARPOOTLIAN: Other than a little factual background about her getting picked for the jury and how long she was on the jury.

THE COURT: That's fine.

MR. HARPOOTLIAN: When she was excused. That's all we intend on asking, these four questions.

THE COURT: All right.

MR. HARPOOTLIAN: Unless Mr. Waters asks ---

THE COURT: Sure. I mean, they'll have cross-examination.

MR. MEADORS: And I'll be crossing, so ---

MR. HARPOOTLIAN: Oh, he'll definitely open the door.

MR. MEADORS: So, he's limited to the four questions initially. Is that ---

MR. HARPOOTLIAN: Yes.

THE COURT: No, sir. He's just telling me that's what he intends to do. Sometimes you can hold lawyers to that.

MR. MEADORS: I understand.

THE COURT: And sometimes you can't.

MR. MEADORS: Yes, ma'am. Thank you.

MR. HARPOOTLIAN: I intend on only asking her those four questions.

THE COURT: That's fine.

MR. HARPOOTLIAN: She's in the building, Your Honor. I'm sorry.

(A PAUSE.)

ALTERNATE JUROR 741, BEING DULY SWORN, TESTIFIES AS FOLLOWS:

CLERK OF COURT: Please have a seat on the witness stand.

MR. HARPOOTLIAN: Your Honor, I assume that the same rules would apply to her that applied to the other jurors in terms of her image appearing?

THE COURT: That's correct. There will be no photographs made of this particular witness who was an alternate juror in the matter. Thank you.

DIRECT EXAMINATION BY MR. HARPOOTLIAN:

Q. I'm going to refer to you as Juror 714. It's what we've got to do here so we don't use your name so people

don't know who you are. Is that okay with you?
A. That's fine.
Q. And you and I have met before?
A. Correct.
Q. I came to your home one Sunday afternoon. I believe you were cooking Sunday dinner when we talked. Is that correct?
A. Correct.
Q. And then you were interviewed by SLED?
A. Correct.
Q. And you Gave them a recorded statement, and then this morning you came here, and you gave me an affidavit that you signed, and you're here with your lawyer. Is that correct?
A. Correct.
Q. Now, just for purposes of the record, you were a juror. You were selected to be a juror on the *State v. Alex Murdaugh* murder charge, correct?
A. Correct.
Q. And you sat in the courtroom six weeks and listened to all the testimony?
A. Correct.
Q. And you were the alternate?
A. Correct.
Q. And so when the jury went out to deliberate, you were

excused. Is that correct?

A. Correct.

Q. Now, I'm way going to go through a series of questions based on your affidavit, okay?

A. Okay.

Q. Which you signed this morning which was based on our initial interview with you and your interview with SLED. This is basically the same thing you told SLED, correct?

A. Correct.

Q. In your affidavit, you say: Before the defense put up their case ---

MR. MEADORS: I'm going to object to leading.

THE COURT: Sir?

MR. MEADORS: Leading.

THE COURT: Overruled.

Go ahead.

MR. HARPOOTLIAN: Okay. Thank you.

Q. In your affidavit, you said:

> Before the defense put up their case, Ms. Hill told the jurors the defense is about to do their side. They're going to say things that will try to confuse you. Don't let them confuse you or convince you or throw you off, unquote.

Is this true? Did Ms. Hill say that?

A. Accurate. That's exactly what she told us.

Q. I'm sorry?
A. That's exactly what she told us.
Q. Okay. The next thing you say is:

Ms. Hill made the above statement warning the defense would try to confuse us in the presence of all the jurors as we assembled in the same jury room.

Is that correct?
A. Correct.
Q. Now, y'all were initially in two ---
A. We were in two separate rooms, and when she came in, we all went in one room.
Q. Okay. Paragraph number 5:

Ms. Hill said if you get emotional, we want to see your face because that is what they want to see.

What did -- what did that ---
A. She said don't -- she said don't get nervous. Don't be afraid to show your emotions because that's what they want to see.
Q. Who wants to see it?
A. I, I don't know who she was speaking of. I'm assuming the Court.
Q. Okay, and then number 6:

Ms. Hill also informed us Alex Murdaugh was going

to testify. I don't recall exactly what she said. All the jurors were assembled in one room when she made that comment.

A. Exactly.

Q. So, she told you that Alex Murdaugh was going to testify?

A. Exactly.

Q. Did you know before that he was going to testify?

A. I think we knew that he was going to come up. I think he was supposed to do it the day before, but he didn't. I knew he, he was going to be the last person that afternoon.

Q. Okay.

During the visit to Moselle, Juror Number 826 and I walked to the scene together. Then Juror 826 began walking with the clerk of court, Becky Hill. I could tell they were talking. I could not hear what was said between them.

Is that correct?

A. Correct.

Q. If what you put in this affidavit truthful?

A. Yes, sir.

Q. And this is what you told us back in ---

A. I don't remember the month.

Q. --- August, I believe. I think I interrupted you cooking Sunday dinner.

A. Right.

MR. HARPOOTLIAN: All right, thank you. Please answer any questions defense may have for you.

THE COURT: Mr. Waters or Mr. Meadors.

MR. MEADORS: Thank you, Your Honor. May it please Your Honor?

CROSS-EXAMINATION BY MR. MEADORS:

Q. Good afternoon, Ms. 741.

A. Good afternoon.

Q. It's nice to see you again.

When is the first time you talked to Mr. Harpootlian or Mr. Griffin or any other attorney?

A. I couldn't tell you exactly. It's been months. It's probably been September, August. It's been months.

Q. And were they the first attorneys to talk to you, or was there somebody else that talked to you prior to them? Did any other attorney ---

A. No. I think he was the first person I talked to.

Q. Are you sure?

A. I think. It was so many people trying to call me, and I was trying not to be involved. So, I can't -- I can't quite remember, but he was the first person I had seen.

Q. First person in person?

A. Yes.

Q. Okay. So, when he came to your house?

A. Yes.
Q. Mr. Harpootlian came to your house?
A. Yes.
Q. And at that point, was Ms. Holli with him?
MR. MEADORS: Holli, would you mind raising your hand?
A. Yes.
Q. And was anybody else with him?
A. Yes. He was.
Q. Mr. Griffin?
A. Mr. Griffin.
Q. Thank you, and you gave them a statement then, right?
A. Right.
Q. And did they record you? I mean, were they audio or video recording you? Did they say we'd like to record this?
A. No.
Q. They didn't?
A. But neither did the people that came out. They didn't -- I didn't know I was getting recorded by them neither.
Q. That's -- I'm not trying to fuss.
A. Okay.
Q. I'm just asking, but is there an audio recording of, of your conversation with them that you know of?
A. No.
Q. Did they say ---

A. Not that I know, no.
Q. So, you don't remember ---
MR. HARPOOTLIAN: Your Honor, there's no audio recording. We're required to tell her we're recording her under the rules.
THE COURT: He's on cross-examination.
Mr. Meadors.
MR. MEADORS: Thank you, Your Honor.
Q. And at that point -- and that was again -- do you remember, you said you think was -- was that around the end of August, first of September when they first came to talk to you, roughly?
A. Roughly. I don't want to...
Q. And you told them basically everything that you've told us now, right?
A. Yes.
Q. The exact same thing?
A. Exact same thing.
Q. Nothing less, nothing more?
A. Yes.
Q. Okay. So, Mr. Harpootlian just -- and you didn't -- you didn't sign an affidavit back in September or when you talked to them the first time?
A. No.
Q. And why not?

A. Because he was just coming out to talk to me. He was asking questions. It wasn't nothing officially. He had, you know...

Q. Well, when you say nothing officially, I don't know what you mean.

A. He didn't -- he was just coming out to ask -- he was just asking questions about what, what went on during the trial. It wasn't...

Q. Well, did they ask you to sign an affidavit that day?

A. No.

Q. Did they ask you to sign an affidavit any time right after that?

A. No.

Q. So, they never asked you to sign an affidavit until this week?

A. No. I was supposed to meet with them a couple occasions, but I had -- I was having my own personal issues. I couldn't come.

Q. I'm sorry.

A. No problem.

Q. So, you told them at this first meeting back then August or first of September that y'all were going to hear some things that will throw you off. Don't let it distract or you mislead. Is that what you said?

A. That's -- I didn't say it. That's what the clerk of

courts told us.
Q. Yeah. I'm saying that's what ---
A. Oh, yeah.
Q. --- you said to them.
A. Uh-huh.
Q. I'm sorry, and where did that take place?
A. She would always stand, like, on the outside of the jury door -- I mean, room. Like, in between. Like, on the outside. She would never really come inside the jury room.
Q. So, you were in -- there were two rooms, right?
A. Yeah.
Q. Okay. One room and then the other room separated it, correct?
A. Right.
Q. And you couldn't hear people talk in the other room, could you?
A. No. That's why when she came, everybody in one room.
Q. Okay. So, this comment you said that she made, did she bring everybody out in the hallway?
A. Some people was in the hallway. That's why I said she was standing -- she was standing right at the head of the door.
Q. Standing in the head of the door?
A. Right.
Q. Was Mr. Bill there, your bailiff?

A. Yeah. He would -- he would be standing in the hallway.
Q. He's all the way out there, right?
A. Right.
Q. And then she said in front of everybody the defense is about to do their side. They're going to say things that will confuse you. Don't let them confuse you or convince you or throw you off. She said that to everybody?
A. She said that to everybody.
Q. So, everybody could have heard?
A. Everybody could hear it.
Q. And you said you were all in the same jury room.
A. Yeah. We would all be in the same -- when she came, she would stand in the front of the door with the jury room that I was in.
Q. Right.
A. And everybody would come over. They would let us know before she came. Like, she -- they would let us know, like, after lunch, she's going to come talk to y'all, and we all would gather together.
Q. So, would you go from the two rooms into one room?
A. Some would be standing out -- she was standing in front of the door. Some would be standing around her outside the door, and some would be in the room, but it was clear enough for us to hear and -- hear and see her -- see

her.

Q. And I'm just -- Mr. Harpootlian led you and:

> Ms. Hill made the above statement warning that the defense would try to confuse us in the presence of all of the jurors as we had assembled in the same jury room.

A. We was all in the same jury room. She would be on -- outside the door, and we would be in the room, and some would be standing beside her. We was all -- always all together when she came.

Q. And did you think that was usual?

A. No, because, I mean, she -- I guess she didn't want to walk back and forth from room to room.

Q. No. The fact of what she said, did you think that was unusual?

A. Yeah, I did.

Q. And did you get emotional and see his face, they want people to see your face?

A. Because, you know, some of the -- some of the jurors was getting emotional, and I guess she noticed it because she, she commented on it.

Q. And you said you did not -- the statement he read, she informed you that the defendant was going to testify but don't know recall exactly what was said ---

A. After, yeah. I can't.

Q. When was that?
A. That, that was -- I think he came in the afternoon, like at 2:30, 3. So, that was before he testified, I think.
Q. And where was that?
A. Oh, in the jury room where we were all -- like I said, we would all meet.
Q. And I guess what I'm saying is you're in two different rooms for a while, right? When y'all get up there, you split, don't you?
A. Yeah.
Q. The people that talk loud in one room, the others in the other one pretty much?
A. No. It's not like that. It was just they split it off. They just asked us what room we want to go to.
Q. So, when you were fixing to come back to the jury room -- or, excuse me, to the -- to the box.
A. Uh-huh.
Q. You're telling us you'd all go into one jury room together?
A. Only when she came to speak to us.
Q. When Mr. Harpootlian asked you about, I believe, number 7 on the affidavit -- when did you sign this affidavit?
A. This morning.

Q. And when's the last time you had talked with Mr. Harpootlian or Holli or ---

A. Oh, I haven't talked to him since he came to my house.

Q. Or any of them before today?

A. I haven't talked to him since he came to my house.

Q. Talk to anybody else involved in this case before today since then?

A. No. He was talking to my lawyer.

Q. Okay, and who was that?

A. Sean Wilson.

Q. Okay, and when had Sean Wilson talked to you?

A. He's been my lawyer.

Q. Since when?

A. Since 2021.

Q. Okay. When Mr. Wilson talked to you about this case and what you told Mr. Harpootlian prior to ---

THE COURT: All right, they apparently don't object to this, but I am very uncomfortable with your asking what her lawyer told her.

MR. MEADORS: And I wasn't going to go into content. I was just looking for timing.

THE COURT: Well, she's told you a couple of times that he was her lawyer since 2021.

Q. Was he your lawyer for this?

A. What you mean for this?

Q. For, like, being a juror.
A. For being a juror?
Q. Yes, ma'am.
A. I didn't have a -- he was always my lawyer.
Q. You didn't hire him for this?
A. No, I didn't hire him for this.
Q. But he had talked to Mr. Harpootlian about your affidavit and your testimony today, hadn't he? Is that a yes?
A. Yes. He was looking over the paperwork. He was looking -- he was looking out for me because he is my attorney.
Q. And when was he looking over the paperwork?
A. Oh, I don't -- I couldn't -- I guess ever since September or October. I don't -- I don't -- I wasn't really keeping up with it -- with it, to be honest.
Q. So, do you know if he's talked with Mr. Harpootlian this week?
A. Yeah, he's talked to him today.
Q. Talked to him today?
A. We was together.
Q. Who was together?
A. Me and my lawyer.
Q. And Mr. Harpootlian?
A. Yes, when I went to go sign the affidavit.

Q. Where did you sign it?
A. At his office.
Q. At whose office?
A. Mr. Harpootlian office.
MR. HARPOOTLIAN: Your Honor, I would ---
A. I was supposed to ---
MR. HARPOOTLIAN: I would -- I would object.
A. Okay.
MR. HARPOOTLIAN: This is meandering. I mean, there's no jury here. It's you.
MR. MEADORS: I can't help it.
MR. HARPOOTLIAN: And I don't know what ---
THE COURT: Well, how about helping a little bit, Mr. Meadors. I think we've got all the information ---
MR. MEADORS: I'm not trying to...
THE COURT: All right. I think it's time to move on.
MR. HARPOOTLIAN: I hope so. Thank you.
THE COURT: Yes.
Q. And that's the last question Mr. Harpootlian asked you about this affidavit, isn't it?
A. What was the last question?
Q. During the visit to Moselle, Juror -- won't say the number, whatever the letter is. It doesn't matter. You saw a juror:

And I walked the scene together. Then the juror

began talking with the clerk of court. I could tell you -- could tell they were talking, but I couldn't hear what they said between them.

That's the last question he asked you.

A. Correct.

Q. And you have no idea what that conversation was about, do you?

A. No, I don't.

Q. Now the next, number 8, he didn't ask you about was:

I also overheard discussions in the jury room that Ms. Hill drove a juror home. I believe it was the juror whose nickname was Boston.

Now, he didn't ask you that a minute ago, did he?

A. No, but ---

Q. Just yes or no.

A. No.

Q. And you didn't include that in the first conversation you had with them back in August and September in this affidavit Ms. Holli did, did you? You didn't tell them about that.

A. I don't -- I can't remember.

Q. Have you seen the affidavit Ms. Holli did for you back in September 1st ---

MR. HARPOOTLIAN: Objection. Ms. Holli did not do an affidavit. Ms. Holli ---

MR. MEADORS: She didn't ---

MR. HARPOOTLIAN: --- did her affidavit, her notes of what this young lady said to her, and what she included and didn't include was based on what Ms. Holli thought was relevant at the time, but she can't be cross-examined.

THE COURT: All right, yes. That is not in evidence, Mr. Meadors.

MR. MEADORS: We'd, we'd offer it, Your Honor.

THE COURT: Sir?

MR. MEADORS: I'd offer it just in ---

THE COURT: Well, how is thing going to be authenticated?

MR. HARPOOTLIAN: Well, Your Honor, even more importantly, he can't -- he can't ---

THE COURT: Wait a minute. Wait a minute.

MR. HARPOOTLIAN: --- question ---

THE COURT: Wait a minute.

MR. HARPOOTLIAN: I'm sorry. I'm sorry.

THE COURT: Several people can't talk at one time.

I don't even have an affidavit. Let me see what you're talking about. You talking about the one just offered today?

MR. MEADORS: No, ma'am. This is the one Holli did when he first talked to her back in August and she's ---

MR. HARPOOTLIAN: And, and, and ---

MR. MEADORS: --- referring to that ---

MR. HARPOOTLIAN: --- for the record, that's Ms. Miller, okay?

MR. MEADORS: I'm sorry.

MR. HARPOOTLIAN: Ms. Miller.

MR. MEADORS: I'm sorry.

THE COURT: This is Ms. Miller's affidavit about what she thinks this juror said?

MR. HARPOOTLIAN: Yes.

THE COURT: I'm not going to allow this, Mr. Meadors.

MR. MEADORS: Okay. Thank you.

THE COURT: I don't see a whole lot of difference between this and what's been said in the affidavit that has been offered by Mr. Waters, but I'm not going to allow that.

Q. You did not tell them about hearing that Ms. Hill had driven a juror home back when you met with them in September, did you?

A. I can't remember.

MR. MEADORS: Beg the court's indulgence. I'm sorry.

THE COURT: All right.

(A PAUSE.)

Q. Who was Boston?

A. She was a juror on the -- on that trial. I don't know her -- but that was the nickname they gave her. I don't

know her first name.

Q. And what, if anything, did you know or convey about Boston?

A. She was a juror on the case just like everybody else.

Q. But anything else?

A. Nothing.

Q. Ma'am?

A. No.

Q. So again, Mr. Harpootlian didn't to ask you, but in your -- in the affidavit of today:

> I also overheard discussions in the jury room that Ms. Hill drove a juror home. I believe it was a juror whose nickname was Boston.

Was that something that was added after your lawyer was Mr. -- was with Mr. Harpootlian today?

A. I don't know if I added it. I, I -- we talked about it today, but I don't know if I mentioned it in September or not.

Q. That's the ---

A. But I know ---

Q. --- first time you've ever talked about it, wasn't it?

MR. HARPOOTLIAN: Your Honor.

A. No, it's not.

MR. HARPOOTLIAN: There's no reason ---

THE COURT: Wait a minute.

MR. HARPOOTLIAN: --- to raise ---

A. No.

THE COURT: Wait.

MR. HARPOOTLIAN: Objection.

THE COURT: Wait, wait, wait. The first thing is, Mr. Meadors, I'm going to caution you one more time about this. You cannot talk over a witness.

MR. MEADORS: I'm sorry.

THE COURT: The second thing is you don't need to be marching all back around here. You're talking only to me at the moment, not the jury or anything else.

MR. MEADORS: I'm sorry.

THE COURT: So, let's slow down.

MR. MEADORS: All right.

THE COURT: And this is repetitive. The questions have been asked before. If you want to take this tone with her, I don't know exactly what you're trying to accomplish, but ---

MR. MEADORS: I'm, I'm not trying to take a tone with her, and I apologize. She knows that, and I'm sorry.

THE COURT: Well, you're just talking to me.

MR. MEADORS: I'm sorry.

THE COURT: This is not some drama thing for the jury.

MR. MEADORS: I know. I'm sorry.

THE COURT: All right. Well, let's, let's finish this

thing up.

MR. MEADORS: And, Judge, the only reason I did, it was -- he hadn't asked about it, and it to me is the key issue here. They're trying to say ---

THE COURT: Please, Mr. Meadors. Are you lecturing to the witness or to me or what? Please don't do that.

Strike that from the record, please.

MR. MEADORS: Don't strike. Don't strike it.

THE COURT: Let's wind this up.

MR. MEADORS: I'm so sorry.

THE COURT: Let's wind this up. All right.

Q. In number 9 of the affidavit:

> Before the jury began deliberating, I heard a member of the court staff say deliberations shouldn't take long. I don't remember specifically who made it, but it was made in the presence of the entire jury right after closing arguments in the jury room.

A. Correct.

Q. Then I think you said something. Judge Newman came to see you afterwards but after the jury went to their room. You were in a separate ---

A. No. When we first left out the courtroom, we all went in the same jury room.

Q. Okay.

A. And then they separated me.
Q. And, Ms. 741, I didn't mean to raise my voice.
A. Oh, that's okay.
Q. I apologize.
A. That's fine.
Q. But when they started deliberating, were you in a separate room?
A. Yeah, when they started deliberating.
Q. Okay. So, you had no involvement in the deliberations or verdict of Richard Alexander Murdaugh ---
A. No, sir.
Q. --- at all, did you?
A. No, sir.
Q. You didn't get to come back with a verdict, did you?
A. No, sir.
Q. Have you read Ms. Hill's book?
A. No.
Q. And I noticed your interview. I did watch it because I think Mr. Radford back there ---
MR. MEADORS: Raise your hand kind of, Radford.
Q. Came to your place and interviewed you.
A. Right.
Q. At some point during the trial, I think there was some discussion that somebody might have wanted to do an interview with you?

A. Yeah. That's what she said.
Q. Okay, and then after the trial, I think there was discussion. Somebody -- since you weren't on the jury, they may not have wanted to interview you. You remember that roughly, telling the officer that?
A. Yeah, that's not what she said. She came to me roughly in the middle of trial, and she said I have a few people who would like to interview -- she said I have -- she didn't say a few. She said I have a lot of people that's inquiring, interview with you. She said but I'll have to get with you after the trial.

But after the trial, she came back in the jury room and she handed -- started handing out cards, and she hand everybody cards but me, and she was, like, I don't have any cards for, for you for interview because nobody wants to speak with you. That's what was said.
Q. And did -- I mean, you weren't happy with that, were you?
A. Yes, I was.
Q. You were happy with that?
A. I, I, I don't need to be interviewed.

MR. MEADORS: Beg the court's indulgence.

(A PAUSE.)

MR. MEADORS: Your Honor, to your delight I'm through. Thank you.

THE COURT: Mr. Harpootlian.

MR. HARPOOTLIAN: Briefly, Your Honor.

REDIRECT EXAMINATION BY MR. HARPOOTLIAN:

Q. Mr. Meadors just asked you a series of questions I'm not sure I'd heard before. Who approached you during the trial and indicated the media would want to interview you?

A. Ms. Hill.

Q. Ms. Hill?

A. Ms. Hill herself.

Q. Just you or all the jurors?

A. She -- I -- she -- I was -- we was -- they had -- I think it was the day they had the bomb threat, and we -- I think that was the day, and she approached me.

Q. You?

A. Me by myself.

Q. By yourself, and where were you?

A. It -- that's the day in the lunch room when they had the bomb threat. We went to the middle school. I believe that was the day.

Q. The middle school, and she came over to you and said what?

A. That she had some reporters that was reaching out to her that wanted to speak with me.

Q. To you. Not the whole jury. To you. Was there anybody with you at that time?

A. No. It was just ---
Q. Did she indicate why they wanted to speak with you, just you?
A. No.
Q. Did she indicate what reporter?
A. No.
Q. And did she ever talk to you about doing interviews with the media after that?
A. No.
Q. But you indicated she brought some cards at some point?
A. She brought cards in to hand to the jurors.
Q. Before?
A. After.
Q. After?
A. The verdict was read.
Q. Cards of media people?
A. Yes, sir.
Q. Did she tell you she was writing a book?
A. No.
Q. Did she indicate to you why it might be good for her if you did media interviews?
A. No.
Q. But she had a conversation with you in the lunchroom of the middle school ---

A. I believe it was the lunch room. I think it was the day of the bomb threat.

Q. The day of the bomb threat.

A. But I'm 100 percent sure she came to me and she told me that in the middle of the trial.

Q. Was there a bailiff with her or just her?

A. No. It was just her.

Q. Pulled you over. Said hey, I can -- I can make you famous. I can put you on TV.

MR. MEADORS: Objection. That's not ---

A. She said she had media that wanted to talk to me. That's what she said.

MR. HARPOOTLIAN: I hyperbolize. I apologize, Your Honor.

THE COURT: Yes, sir.

MR. HARPOOTLIAN: That's all I have.

THE COURT: All right, no further questions, Mr. Harpootlian?

MR. HARPOOTLIAN: No, Your Honor.

THE COURT: Very good.

Thank you very much, ma'am.

WITNESS: You're welcome.

THE COURT: You are excused.

WITNESS: Thank you.

(THE WITNESS EXITS THE STAND.)

THE COURT: All right, Mr. Harpootlian, is that it?

MR. HARPOOTLIAN: I just want to put one matter on the record, Your Honor, and that is -- and that is it.

THE COURT: All right. All right, sir.

(A PAUSE.)

MR. HARPOOTLIAN: Your Honor, earlier today you received a very short affidavit from Juror Z. We'd like to proffer that and make it part of the record.

THE COURT: Right. I did not admit it, but I'll accept a written proffer, and if you would give the thing to me. I saw it on the screen on my law clerk's computer, but I don't have a printed out copy.

MR. HARPOOTLIAN: We don't either, but would you allow us to submit it?

THE COURT: Well, I will allow before I close the record with Ms. Harris, if you could get it to us. When can you get it to us?

MR. HARPOOTLIAN: We can email it this afternoon.

THE COURT: Very well. How about this? How about email it to Mr. Waters, to me, to Ms. Diaz, and to Ms. Harris, the court reporter, and I will say now it is offered as a proffer and I will receive it as a proffer. I have not admitted it into evidence.

MR. HARPOOTLIAN: Yes, ma'am.

THE COURT: All right.

(A PAUSE.)

MR. HARPOOTLIAN: And, Your Honor, we referred to earlier on a email to the Japanese television folks. I do have copies of that, would like to make that part of the record.

THE COURT: All, hand it up to me and let me see, and also, of course, to Mr. Waters. I've got two of these, Mr. Harpootlian. I'll give you one back.

(A PAUSE.)

MR. HARPOOTLIAN: And, Your Honor, for the record, the hearing before Judge Newman to seal the body-cam videos was on May 26, 2023. This email is in July just to give you the context.

THE COURT: All right, this is being offered as a after-the-fact email to Rebecca Hill and her replies garnered from the emails that were released by Colleton County at a certain point.

MR. HARPOOTLIAN: Yes, Your Honor.

THE COURT: And it addresses the issue I raised with Ms. Hill relative to the security of the sealed records.

MR. HARPOOTLIAN: Exactly, Your Honor.

THE COURT: All right. I will admit it.

Mr. Waters.

MR. WATERS: As to this specific exhibit, Your Honor?

THE COURT: Yes.

MR. WATERS: Your Honor, I mean, we don't have any objection other than the ones we've raised just during the testimony.

THE COURT: Yes.

MR. WATERS: But I have no further objections.

THE COURT: All right.

MR. HARPOOTLIAN: And, Your Honor, that's all we would have.

THE COURT: All right.

(A PAUSE.)

THE COURT: All right, your proffer is your Exhibit 1, Mr. Harpootlian, and this which I had is your Exhibit 2.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: All right. All right, now we proceed to closing. Are you prepared?

MR. WATERS: Yes, ma'am.

THE COURT: Very good. Mr. Waters.

MR. WATERS: Thank you, Your Honor. Just to go back and reiterate as to the standard, and, and ultimately we've, of course, argued that the defendant has the burden. We've also discussed that the standard for Your Honor, of course, is, first of all, was there any misconduct that occurred, and regardless of that, whether or not there was any effect on the verdict. And the standard, as has been expressed in multiple cases, is whether the verdict is

solely the product of honest deliberation or the product of outside influence. And that inquiry fundamentally, as the Court recognized from the very beginning, focuses on the jurors themselves because it doesn't necessarily matter what was said as much or what was intended or what was inadvertent, even assuming that those existed. What matters is, is what the jurors heard, what they perceived, and whether or not it had any sort of effect on the verdict. And Your Honor went through that inquiry with these jurors.

Eleven of those jurors were clear and unequivocal that there was no effect on their verdict, and also clear and unequivocal that nothing was said that could any way be inferred as any sort of attempt to influence them. And I think that's very important, Your Honor, because, you know, there can be sometimes behind the doors, as we've talked about, I think some of the cases recognize this, that some conversations can go on and things like that can happen. But ultimately -- and while -- I think there were some cases cited in some of the various South Carolina decisions, you know, that it's not -- that it's unrealistic and not surprising to think sometimes things like that, that can happen, and an untoward comment or something was said. But that, you know, that was in *Aldret*, Your Honor, a 1999 Supreme Court case.

But the mere fact that something like that may be stated, that could be stated in a neutral reason is not enough to undermine the verdict because the inquiry ultimately boils down to what was it that those jurors heard. And in the end, though, did they listen to the instructions from the trial judge? Did they come to a fair and honest verdict? And, Your Honor, the evidence here is overwhelming, I would say, from the people that matter, and that's those jurors, and that is there was no effect on the jurors.

And you saw every single one of them. Every single one of them very clearly and strongly looked you in the eye, all eleven of them. I'll get to the twelfth one in a second, but looked you in the eye and said no, that didn't happen. No, I didn't hear anything like that. No, there was no effect on our verdict. No, this was our verdict, and it was based solely -- which was Your Honor's question -- solely on the evidence and the law and the testimony. And I think that that carries the day.

We have one juror, and I want to make sure because I'm about to say a number, and I don't want to do that. Let me go back to ---

THE COURT: Z.

MR. WATERS: --- Juror Z and let's look at Juror Z because Juror Z also said that, yes, I said that this was

my verdict. I was polled and said this was my verdict. Juror Z also said that my verdict was solely based on the evidence and the law and the testimony at trial. Answered question number 2 yes, absolutely yes, but then goes on after that to say she heard some communications from the clerk and then says, well, it had an effect on my verdict even after she had already answered question number 2 when she said her verdict was based solely on the evidence and the law and the testimony at trial.

And beyond that, then, Your Honor, I think that it's very telling that the affidavit that was submitted from this particular juror, and it's, it's -- we've been pointing this out from the beginning because it's very crucial and very telling because despite the things that she alleges that happened, even though the other jurors say it didn't, despite the things she alleges that happened, she says that she voted guilty because she felt pressure from other jurors, not that her verdict was in any way affected from some supposed external influence. In the affidavit that was filed with the defense motion, from day one that is what she says, that she felt pressure from other jurors.

And, Your Honor, we've cited the cases over and over again, that the internal mechanics of the jury room, the fact that one juror feels pressured by others, as long as

there's not violence or things that go beyond the pale, that is not a basis for undermining a verdict. That is part of the deliberative process, and it's expected, and it's occurs.

But I think it's very telling that we have those conflicting answers. And, Your Honor, without waiving any objection to the latest affidavit that we were just discussing from this juror, I think that's very telling because now we have answer number 3 as it relates to this particular juror. And, of course, it's clearly manufactured and rehabilitated to recognize after the fact she, of course, is -- this juror is represented by Joe McCulloch, and ultimately we've got now a third version of events from this very juror.

So, we have this juror who's given answers all over the place that are inconsistent with eleven other jurors who were very strong and unequivocal that, yes, this was our verdict. It was based solely on the evidence, the law, and the testimony, that there were no communications from Becky Hill that influenced that verdict. And I think ultimately when you look at the case law, in the end it's up to Your Honor to make that ultimate determination and looking at all that law together.

We cited a number -- a number of decisions, including, as we discussed, the questions to be had. I sent an email

where we set out some, some questions that it's not uncommon perhaps for jurors, for a juror to have a second thought. But the law is very clear that it does not recognize that because what that would do would be to consistently and constantly put every verdict that occurs in any courtroom in this state or in the nation at risk.

Jurors don't have to vote in perpetuity; they vote on one day and one day only. And here, Your Honor, the evidence is overwhelming that those jurors' verdict was the product of honest deliberation, and the only bit of contrary evidence to that effect is from a juror who, frankly, not only said that it was purely the result of honest duration but then has answers all over the place. And, Your Honor, I would say that the other eleven jurors are credible. They were strong. They were clear with Your Honor, and I think that ultimately that carries the day

Now, we've had testimony from other people since the jurors were here. We've had testimony obviously from Ms. Hill. We've had testimony from Ms. Rhonda, and we've had testimony from this alternate juror. But again, none of that testimony at all goes to what is the ultimate test for Your Honor, and that is whether or not this verdict was the product of honest deliberation. And on that, again the evidence is overwhelming and strong and clear that it was the product of honest deliberation.

It's very interesting as we look at some of the testimony from the other witnesses, and obviously we have Ms. Becky and, as Your Honor has pointed out, we're not here to go through some of the issues that have been alleged or percolating out there. That's not the point of this proceeding here today, but Ms. Becky is a court reporter and then became a clerk and was clear to you that she never made any comment in an attempt to sway the jury one way or the other.

We have Ms. Rhonda, and Ms. Rhonda came in and testified, but I would submit to Your Honor that this is kind of a red hearing because what Ms. Rhonda described were conversations that she herself admitted are just the kind of conversations that go on, and that's the reality of it. The conversations that go on among the trial team when we're not in open court where we're discussing things, the kind of conversations that go on among court staff behind the doors, those types of conversations go on. But that does not mean, nor does that necessarily indicate, that somebody's not going to come out here and do their job fairly, and understand the distinction between influencing a jury and not doing that.

And one thing that I think is very important is that Ms. Rhonda was at that trial more than Ms. Becky was, and she was very clear. And I probably was as repetitive as

anyone here today in asking that question over and over again because I didn't want that point to be lost. And Ms. Rhonda said I was there more than anyone else, and I never saw anything or observed anything or had anything happen that would cause me independently to go to Judge Newman because that's what I would have done and go to Judge Newman and say something is not right about this. This needs to be fixed. Something is going on that's improper.

And I think that that is an extremely crucial fact because Ms. Rhonda admitted and said of course she would. That if something had happened that the judge needed to know about, she would have been the first to do it, and it never happened, and she was here more than Ms. Becky was. It never happened.

When we look at the balance of those facts, when we have the clerk of court come in and testify that, that maybe I did this or maybe I did that, maybe I plagiarized the book, a portion of it, maybe I did this, maybe I wrote things in there that were based on community knowledge or newspapers or poetic license or whatever you want to call it, I, I don't care about the book, and I would submit that Your Honor doesn't need to care about the book either because the book and what happened with the book afterwards is not what is relevant to the inquiry. But she was clear that she did not have any attempt to influence that jury.

She was clear about that. And Ms. Rhonda was clear that she was not aware of anything like that either. And what does that do but corroborate the most important witnesses here.

The defense, I think, in one of their letters tried to say that Ms. Becky was the State's star witness, and that's not what the inquiry is about. It's not what this inquiry is about at all because as I've said from day one, if there were not facts to be litigated, if we had not done an investigation and had those eleven jurors say that didn't happen, there was no effect on our verdict, this was the product of honest deliberations, we would be the first ones here standing to say that.

But what we do know, Your Honor, is that what Ms. Becky said and ultimately what Ms. Rhonda said corroborates who are the true, if you want to say -- and I'm only using this term because the defense accused us of Ms. Becky being our star witness. There are no star witnesses here. This isn't about stars. But what Ms. Becky and Ms. Rhonda do is corroborate who are the most important witnesses, and that are those jurors. And you have eleven of them strong as a rock saying this verdict was not influenced, nobody tried to influence, and regardless, it was a product of our honest deliberation. And you had one juror who said that, too, but then has answers that are all over the place. And

if you go back to her original statement, what she says is not external influence anyway. It's not sufficient under the law.

So, I think that the proof here is overwhelming; I think the proof here corroborates what those jurors say. I think the only juror that we have to contend with, the testimony is compromised, and I'm not saying that that person is in here maliciously lying. I just think that this process is a lot.

It's clear that if there was any attempt to influence this jury, those jurors who sat in that box, every single one of them, you saw them and we saw them for six weeks. They are conscientious; they take their obligation seriously. They were not here to reward friends or punish enemies. They were here to do their job appropriately and fairly. You saw that in their eyes. You saw that in their mannerisms. You saw that in their demeanor, and they were strong and clear that this verdict was fair. Your Honor, we would submit that the motion for new trial be denied.

THE COURT: Mr. Harpootlian.

MR. HARPOOTLIAN: Mr. Griffin will be arguing, Your Honor.

THE COURT: All right.

MR. GRIFFIN: Is it okay if I stand here, Your Honor?

THE COURT: Of course.

MR. GRIFFIN: That way, I won't be interrupted by Mr. Harpootlian trying to make my points.

Your Honor, I want to first start with *State v. Green* because I understand that that is the guidance. That's what we're following here, and in reading, you know, excerpts from the *State v. Green*, first it is absolutely clear in *State v. Green* that we find ourselves -- and the issue is whether there is a defendant's right to a fair and impartial jury under the Sixth Amendment has been violated. Reading from the opinion, it says in the Sixth Amendment context -- this is the Supreme Court of the United States has held that, quote:

> Any private communication, contact, or tampering with a jury during a trial about the matter pending before the jury is deemed presumptively prejudicial.

Now, *Green* goes on to say that:

> We are not going to categorically apply the presumption whenever there is a contact with a juror.

But the question is, is it prejudicial, not whether the verdict would have been different. It is, is it prejudicial. And, and I will -- I will keep reading. The Court says: We're not persuaded that the *Remmer* presumption of prejudice ---

We're talking about prejudice, not is the verdict different. Was there prejudice, was this tainted process, was it prejudice to the defendant? Was the process prejudicial to the defendant because of extraneous communications? Not whether the verdict would have been different but whether there's prejudice involved in the process of the trial.

The Court goes on to say:

> Our unwillingness to categorically apply the *Remmer* presumption of prejudice stems from our view that not every inappropriate comment by a bailiff to a juror rises to the level of constitutional error.

Goes on to say:

> The attempted bribery of the juror in Rimber -- *Remmer*, conduct which goes to the heart of the merits of the case, is a far cry from the circumstances presented in this case. The bailiff's actions here, though improper, did not touch the merits but only dealt with the procedural question of how the judge might handle a jury impasse that apparently never materialized.

The Court says:

> While we decline to adopt the *Remmer* presumption

of prejudice in every instance of inappropriate bailiff communication to a juror, though occasion of this case presents an opportunity for our clerks of court and circuit judges to ensure that all bailiffs are properly trained.

Now, only thing that *Green* did was reject the presumption of prejudice in every case. And, Your Honor, I'm not going to -- I just want to preserve for the record that our position is, is that the comments that you heard in this case go to the merits, go to the heart of the defense. And if you find that those comments were made, and I -- and I'm going to establish for the record we clearly made we clearly have proven that -- that then we do get the *Remmer* presumption. We do get the *Remmer* presumption if we have proven these comments were made.

But, but I'm going to argue that we proved prejudice also in this case. So, to start with, let's go to the evidence that was presented since Friday.

And, and, Your Honor, we have -- we have twelve deliberating jurors in this case. What you've heard, three of the twelve have testified under oath that they heard Ms. Hill make comments about the case. Whether it's, you know, how they cat -- categorize it as merits or not, but Juror X on Friday, Juror X on Friday acknowledged that Ms. Hill made a comment about Alex was going to testify, that it was

going to be epic or some words like that, and that defendants don't normally testify. That -- that's what Juror X said on Friday.

Today -- so, that's one. Says Ms. Hill made a comment about Alex's testimony, how it was going to be a big deal, and defendants don't normally testify.

Juror Z today says that -- first she says Ms. Hill said to watch his actions, to watch him closely, and then she said there are other things that he said I, I don't remember. And then we were allowed to show her, and when Your Honor asked her questions about her affidavit, and she says -- confirmed what was in her affidavit, that Rebecca Hill told the jury not to be fooled by evidence presented by Mr. Murdaugh's attorneys, which I understood to mean that Mr. Murdaugh would be -- would lie when he testified. She also acknowledged this as a truthful statement that she instructed the jury to, quote, watch him closely, close quote, immediately before he testified, including look at his actions and look at his movement, which I understand to mean he was guilty.

And she also said and confirmed that, that Ms. Hill said when they began deliberations that this, quote, this shouldn't take us long, close quote, and then if we deliberated past 11 PM, that we'd be taken to a hotel. Those statements go to the merits; those statements go to

the heart of the defense. Those statements go to what Mr. Murdaugh -- his credibility. So, that's two deliberating jurors down.

The third deliberating juror and who testified today is Juror P, and, and he says -- you asked Juror P did Ms. Hill make any comments about the case, and he says yes. She said the day that Alex was taking the stand -- excuse me, Juror P is a he, but he, he is saying that she, Ms. Hill, said the day that Alex was taking the stand that she, Ms. Hill, made the comment about watch his body language. That's all I recall.

So, three of the twelve deliberating jurors heard Ms. Hill speak about Alex Murdaugh's testimony, three of the twelve. And then -- and then we get the alternate juror came in and basically corroborated what those three of the twelve heard. And she had additional things that she had heard, but she's corroborated what those three of the twelve heard.

And then you've got Ms. Hill who gets on the stand and denies it all. And, and, Your Honor, I couldn't agree with you more that you're able to judge the credibility of witnesses. And, and on this record, there's no way to find Ms. Hill credible. There's no way to credit her statements that she did not make these statements about his testimony. I mean, she crossed herself up as Your Honor's questioning

her about the transcription involving the egg lady and how the egg lady learned that, that there's some Facebook post that was allegedly attributed to her husband. There's no way the egg lady would have known that unless Ms. Hill told her, and that pretty much came out there. So, you know, and I know this is not a jury argument, but if someone misrepresents a fact to you once, I mean, I don't think you should go back and credit anything beyond that.

What, what we hear from Ms. McElveen is that she heard these almost identical statements from Ms. Hill that Ms. Hill told -- that three of the twelve deliberating jurors heard and, and the fourth alternate heard, that Ms. McElveen heard her make very similar statements about the defense's case, about Mr. Murdaugh's testimony. So, you got to put Ms. McElveen's testimony in, in our category.

And Ms. Hill gets up there and says never drove a juror home. Ms. McElveen's got no dog in this fight, and she says she goes to court one day. She hears that Ms. Hill took a juror home the night before and went and talked to her and said you can't do that. Ms. Hill said I didn't talk to her about the case. Well, she gets on the stand under oath here and tells you I never took a juror home. I mean, just totally inconsistent. And, and, and for her to say I, I never made these statements, you know, she tried -- I mean, she kind of gave herself a little wiggle room at

the end. Well, when they were lining up, I may have said he's going to testify today or something. But these jurors heard information, and the question under *Green* and *Remmer*, was it prejudicial?

Now, what we've got from Juror Z today, the question was did these comments influence your verdict, and Juror Z says yes. Then you asked how, and Juror C -- Z says to me, it felt like she made it seem like he was already guilty. Then you said did it affect your finding of guilt in this case? And, and the answer was yes. And, and so that's prejudice, Your Honor. That is prejudice from one of the twelve deliberating jurors: was your verdict influenced by what Ms. Hill said.

And good grief, how could it not be? How could it not be? And, and, and to ask all these other jurors who heard the same thing, was there influence, is really an impossible task because you don't know what's influencing a jury. And, frankly, that's why the *Remmer* presumption is there, but, but let's -- but, but let's try to sort this out.

And, and, Your Honor, I think it was -- it was a *State v. Kelly* case where the -- where the deputies went out and were investigating the jurors' beliefs on the death penalty and, and there was really no testimony about did that affect your verdict, but it was so -- it was just so wrong.

The conduct was so wrong that the Supreme Court says that's prejudicial and we're granting a new trial.

I mean, this is prejudice, and this has been proven. I mean, Ms. Hill is not credible. Ms. Hill is not credible, and she's talking about her book, talking about taking literary license to lie. Literary, literary license to lie is what she -- that's what she thinks a literary license is. So, her, her testimony should not be credited.

We have proven, we have met our burden of proving that there was extraneous contact with these jurors. Three of the twelve deliberating jurors have testified to that. One of the twelve says it influenced my verdict. How is that not prejudice, and that's all we have to prove. We believe, for the record, there is a presumption that they have to overcome, but we have proved prejudice and, Your Honor, we respectfully request that a new trial should be granted based on the record developed today. Thank you.

THE COURT: All right, the arguments are closed. I will take until 5 of the hour to examine my notes, and then I will come and make a ruling from the bench on this matter.

Court will be at ease.

(OFF THE RECORD.)

(WRITTEN PROFFER MARKED INTO EVIDENCE AS DEFENDANT'S EXHIBIT NUMBER 1.)

(EMAILS MARKED INTO EVIDENCE AS DEFENDANT'S EXHIBIT NUMBER 2.)

RULING OF THE COURT:

THE COURT: Please be seated.

In the matter of the State of South Carolina against Richard Alexander Murdaugh, 2022-GS-15-00592, 593, 594, and 595, the following constitutes my ruling on this matter from the bench. This order will be supplemented, as I will explain, after proposed formal orders are received from each side in this matter.

This case is unique in my twenty years of experience as a lawyer and my thirty-five years of experience as an active justice of the Supreme Court and a senior active trial and appellate judge. Usually matters involving possible improper contact with or conduct of a juror arise during or shortly after the trial. The judge then puts the affected juror or jurors under oath, conducts an examination, and rules on the request for a new trial or a mistrial.

In this case, I was appointed almost nine months after the trial to replace the trial judge, who was recused. It is now almost ten months after the verdict was rendered and sentence imposed in this matter. It is now on appeal to the Court of Appeals.

Several months after the appeal was filed, defendant

moved that his appeal be suspended and this matter be remanded to the trial court to consider his motion for a new trial on a charge that the clerk of court for Colleton County tampered with the jury by expressing her opinion to the jurors about what their verdict should be and about the credibility of the defendant, who had elected to take the stand and testify on his own behalf.

Since this matter has been remanded to me, I have set the matter for a pretrial and a final hearing, conducted a telephonic status conference with the attorneys for the parties on December 21, 2023. I have received briefs from the parties. I conducted a pretrial proceeding on January 16, 2024, in which I invited briefs and arguments by the parties, and by the attorneys for certain of the jurors, and for the clerk of court, Rebecca Hill.

On Friday, January the 26, 2024, I conducted a hearing on this matter in which I took testimony from one of the jurors, the conduct of -- the examination conducted solely by me. I received further argument from the attorneys for the State and for the defendant.

Today, January the 29, 2024, I have taken sworn testimony from the remaining eleven jurors who rendered a verdict in this case. This examination was conducted solely by me. I have found no case that provides otherwise in the many cases I have read on the subject of a motion

for a new trial on the basis of after-discovered evidence of jury tampering or misconduct.

I have also received sworn testimony from the clerk of court Rebecca Hill. Direct examination was conducted by Deputy Attorney General Creighton Waters; cross-examination was conducted by defendant's attorney Richard Harpootlian. I have also propounded questions myself to the clerk of court.

I also received testimony from the clerk of court for Barnwell County, Rhonda McElveen, who attended most of the trial and assisted the clerk of court for Colleton County. I've also received testimony from the remaining alternate juror who was, when the matter was deliberated, dismissed from further service.

The following is my ruling on the defendant's motion. The standard of proof. The State contends that in order to prevail, the defendant must show, one, that the clerk of court made an improper comment or propounded an improper question to the member of the jury, to a member of the jury who rendered the verdict. Two, defendant must further show that Ms. Hill's improper comment or question actually influenced the juror's verdict, citing *State v. Green*, *State v. Aldret*, and other opinions of our Supreme Court and other authorities.

Defendant contends that he must show only that an

improper question or comment was propounded to any juror by Clerk of Court Hill. If so proved, the defendant contends that the motion for the new trial must be granted. Defendant relies on *United States v. Remmer* and many other cases.

My ruling is this. On the law, the defendant has the burden of proving both the fact of the improper comment or question by the clerk of court, Rebecca Hill, to the juror, a juror or jurors; and two, prejudice suffered by the defendant, specifically that the Hill improper comments to the juror or jurors influenced the juror to vote to convict defendant Murdaugh.

The facts. Did Clerk of Court Hill make comments to any juror which expressed her opinion what the verdict would be? Ms. Hill denies, A, and so the question becomes was her denial credible.

I find that the clerk of court is not completely credible as a witness. Ms. Hill was attracted by the siren call of celebrity. She wanted to write a book about the trial and expressed that as early as November 2022, long before the trial began. She denies that this is so, but I find that she stated to the clerk of court Rhonda McElveen and others her desire for a guilty verdict because it would sell books. She made comments about Murdaugh's demeanor as he testified, and she made some of those comments before he

testified to at least one and maybe more jurors.

Did Clerk of Court Hill's comments have any impact on the verdict of the jury? I find that the answer to this question is no.

Each member of this jury took their involuntary assignment very seriously. They obeyed the instructions of the court; they obeyed their oath. These good and decent citizens of Colleton County stood to their duty and rendered their verdict without fear or favor. It was a difficult task. Eleven of the jurors very unconditionally said they either heard no comment or if they heard a comment, it had no effect.

One juror was ambivalent in her testimony. She was then examined on her previous affidavit, in which she said the effect, if any, that she had was pressure she felt from other jurors. The cases are myriad that pressure from fellow jurors is a part of the normal give and take of jury deliberations. The court is not to inquire in any way about what is said in those deliberations. But the juror was somewhat ambivalent. Said on her oath at time of trial twice and said on her oath before me in these proceedings that she stood to her oath.

The clerk of court allowed public attention of the moment to overcome her duty.

I have read the entire transcript of this lengthy

trial, not an easy task. I have studied in detail all the authorities cited. I have independently researched the case law and learned treatises and scholarly articles on the subject. Although there is certainly a split in the federal circuits and in the states on the standard of review, I simply do not believe that the authority of our South Carolina Supreme Court requires a new trial in a very lengthy trial such as this on the strength of some fleeting and foolish comments by a publicity influenced clerk of court.

This is a matter within the discretion of the trial judge, and I am the trial judge at this moment. I do not feel that I abuse my discretion when I find the defendant's motion for a new trial on the factual record before me must be denied, and it is so ordered. I will file a fuller order which denies this motion on the grounds I have recited on the record before me as the trial judge and the authorities that have been cited by all parties in this matter.

To that end, I will hold the record open. I direct that within four business days of receipt by the attorneys in this matter of a transcript of these proceedings a proposed order by the State denying the defendant's motion for a new trial with citations be sent to me and to opposing counsel. I will allow the defendant four business

days from receipt of the State's proposed order to lodge objections and/or submit an alternative proposed order.

Upon receipt by the Court of all proposed orders, I will finalize this record, submit a written order, and I will at that time transmit the written order to the Court of Appeals, the court which has remanded this matter to me.

This hearing is adjourned.

MR. HARPOOTLIAN: Thank you, Your Honor.

THE COURT: Thank you.

Let me say this, and I should have said it before I began my order.

Hey.

BAILIFF: Order.

THE COURT: Members of the audience, would you just be patient with me for one more minute? Please keep your seats.

I have probably had more experience with trial work than anyone else in this room for many years, and it has been an absolute pleasure to receive from these learned lawyers some of the best briefs I've ever received. I know they are a product not just of the attorneys who presented to me but of the attorneys who sit with them and help compose the research and the writings that I received. I know that I put you on a very tight timeline, but my feeling is these matters are best disposed of by the trial

judge in a very timely manner so that you may then go to the authorities that really count more than I do. That is the appellate authorities who will decide what the standard in this particular matter is.

I've not seen a case such as this before. I doubt whether our appellate judges have seen a case such as this before, and they will take a lengthy time to study the record in this matter, the record in the part remanded to me. There are many issues in this case, issues over which I have absolutely no authority whatsoever.

But I will say this about the record now that I have read it, and I will say this about the testimony that I heard Friday and today. Judge Newman said it best in his sentencing when he discussed the weight and the measure of the case presented, the testimony and evidence submitted in this case when it was tried. It is a very compelling case supporting the verdict that the jurors reached. He said it with a lot more detail than I do, but now that I have read the record, I say as the successor trial judge I agree that the evidence was overwhelming and the jury verdict not surprising.

This matter is now adjourned.

(WHEREUPON, THE CASE IS AT EASE.)

--- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE CIRCUIT COURT FOR COLLETON COUNTY, SOUTH CAROLINA, ON THE 26TH AND 29TH DAYS OF JANUARY, 2024.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/Elizabeth B. Harris, CVR-M-CM
CERTIFIED VERBATIM REPORTER - MASTER
CERTIFICATE OF MERIT

COLUMBIA, SOUTH CAROLINA

FEBRUARY 29TH, 2024

PLACE HOLDER

(State Exhibit 1 – Recording (UNDER SEAL))

PLACE HOLDER

(State Exhibit 6 – Recording (UNDER SEAL))

PLACE HOLDER

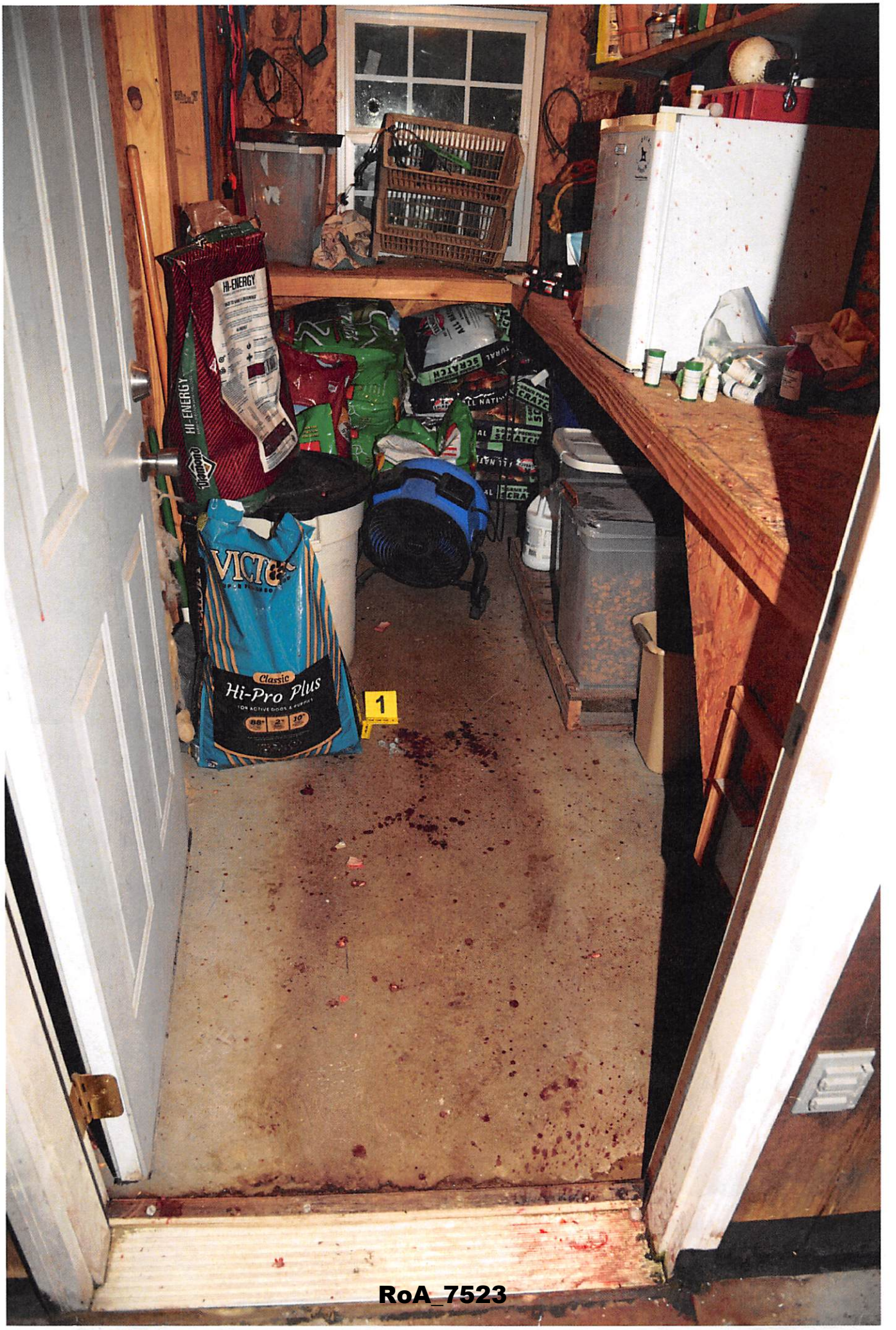
(State Exhibit 9 – 911 Call Recording)

PLACE HOLDER

(State Exhibit 11 – 911 Call Recording)

CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT CROSS
CRIME SCENE DO NOT

State's Exhibit
22
1-27-23

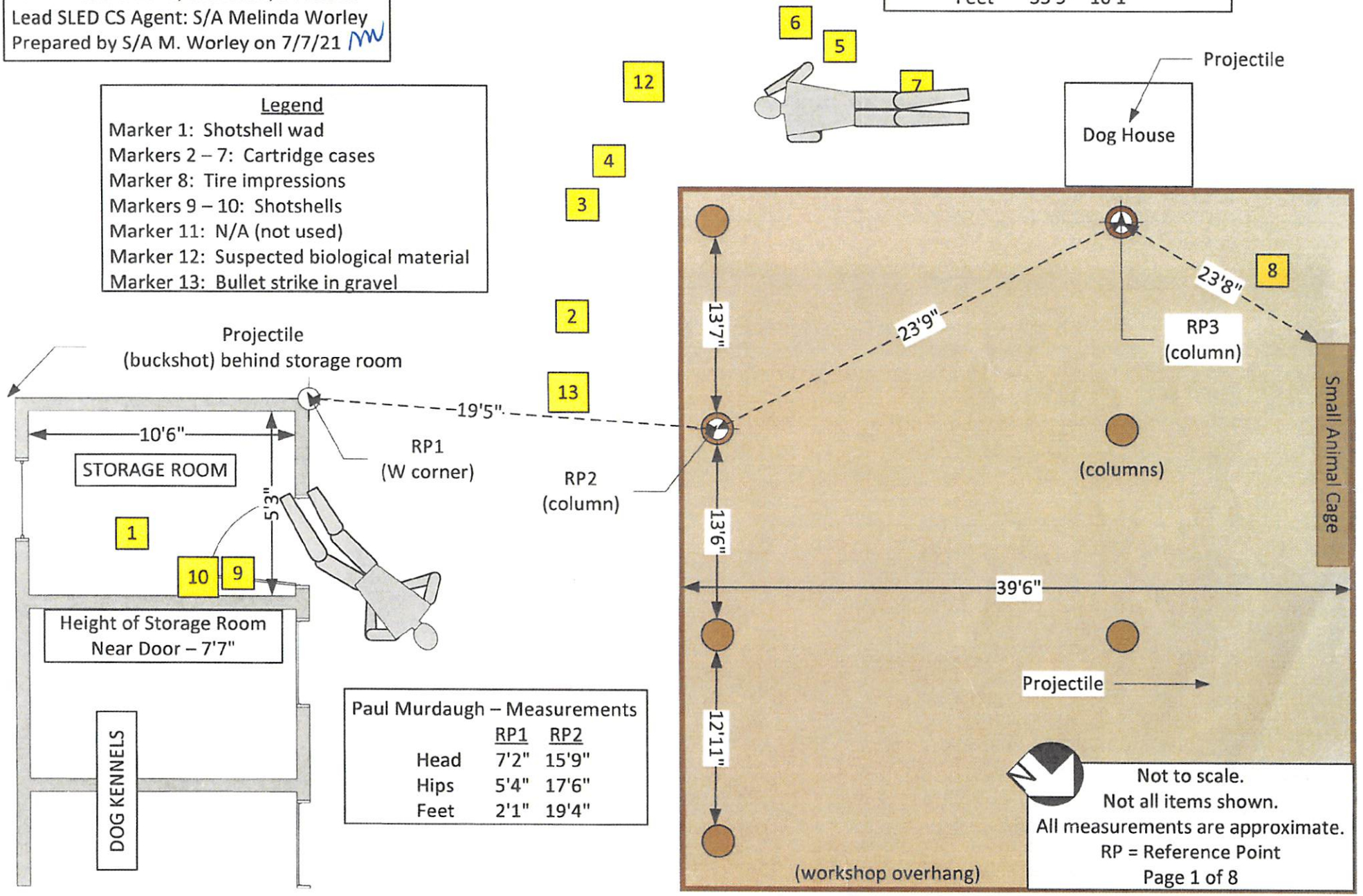

HI-ENERGY
HI-ENERGY
Classic
Hi-Pro Plus
1

State's Exhibit
27
1-27-23

L21-09074
Homicide
SLED Low Country/Colleton CSO
June 7, 2021
4147 Moselle Road, Islandton, SC 29929
Lead SLED CS Agent: S/A Melinda Worley
Prepared by S/A M. Worley on 7/7/21 MW

Margaret Murdaugh – Measurements		
	RP1	RP3
Head	32'3"	15'8"
Hips	34'0"	13'1"
Feet	35'9"	10'1"

Legend
Marker 1: Shotshell wad
Markers 2 – 7: Cartridge cases
Marker 8: Tire impressions
Markers 9 – 10: Shotshells
Marker 11: N/A (not used)
Marker 12: Suspected biological material
Marker 13: Bullet strike in gravel



Paul Murdaugh – Measurements		
	RP1	RP2
Head	7'2"	15'9"
Hips	5'4"	17'6"
Feet	2'1"	19'4"

Not to scale.
Not all items shown.
All measurements are approximate.
RP = Reference Point

RoA_7525

State's Exhibit
77
1-27-23

PLACE HOLDER

(State Exhibit 88 – PSA .300 Blackout Rifle)

PLACE HOLDER

(State Exhibit 89 – Mossberg Shotgun w/ 1 shotshell (buck mark))

PLACE HOLDER

(State Exhibit 90 – Browning Auto-5 Shotgun)

PLACE HOLDER

(State Exhibit 91 – Benelli Super Black Eagle 2 Shotgun w/ 2 shotshells)

RoA_7531

State's Exhibit
93
1-27-23

RoA 7533

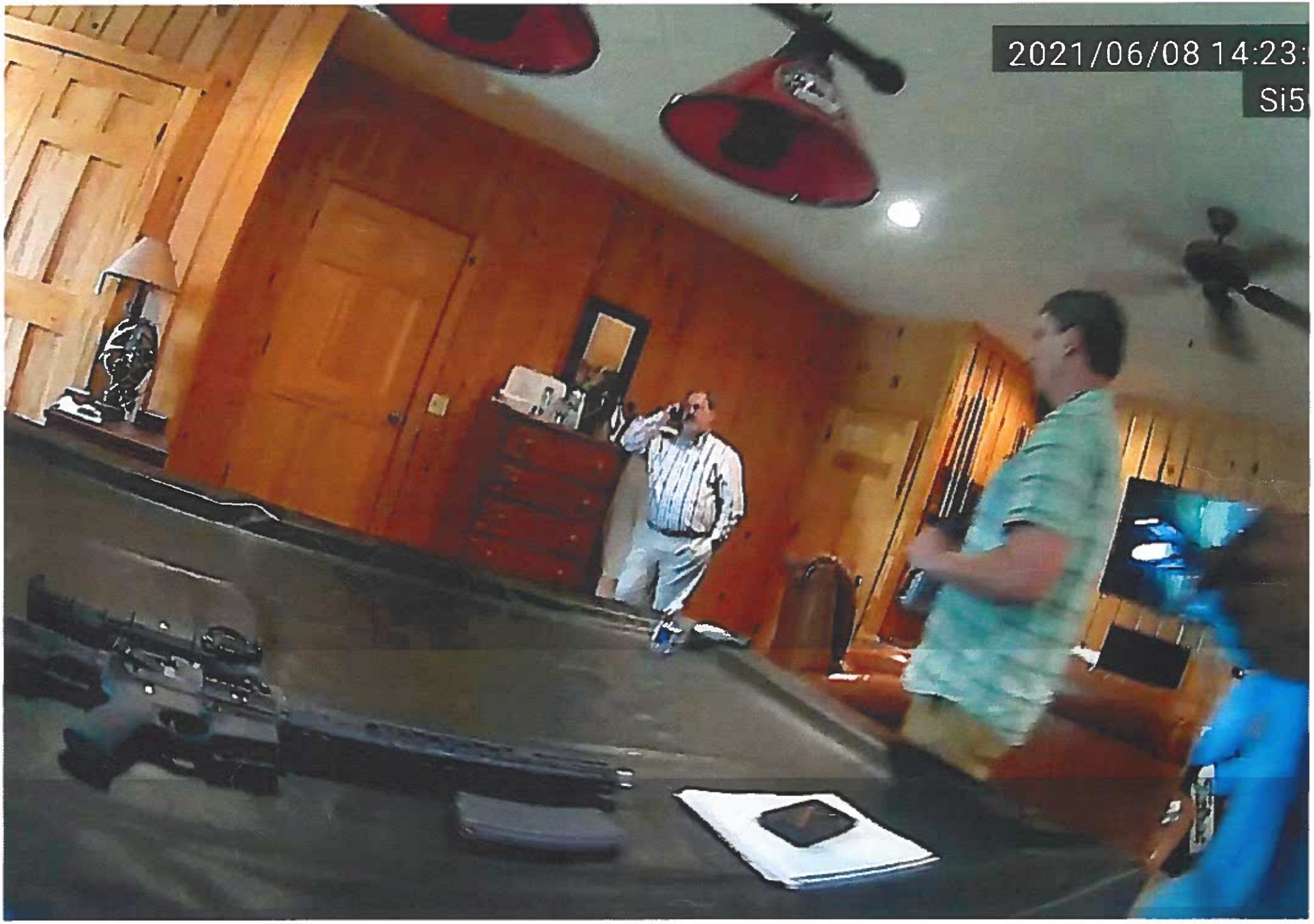
State's Exhibit
117
1-27-23

RoA_7535

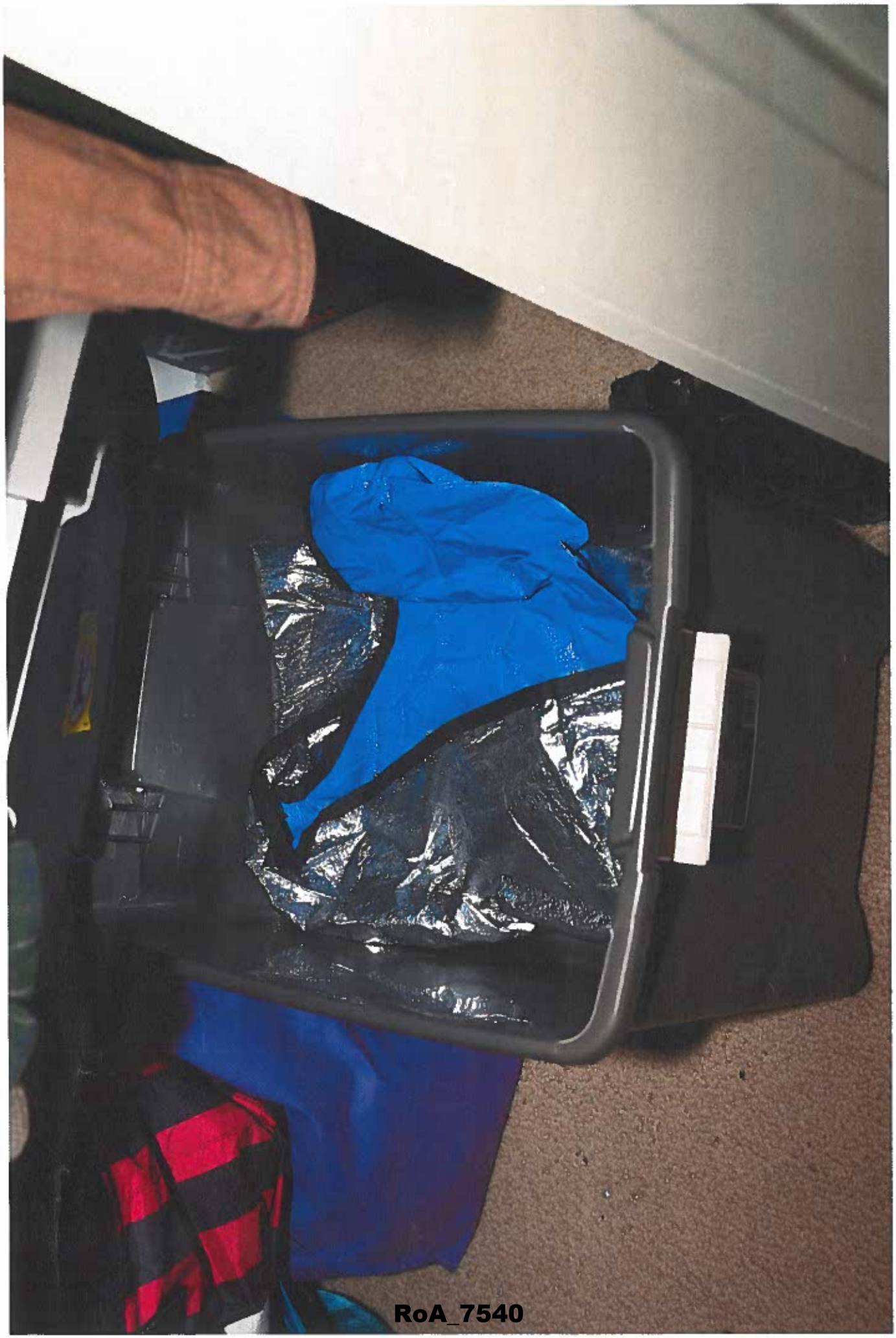
State's Exhibit
118
1-27-23

PLACE HOLDER

(State Exhibit 153 – Interview Recording)


2021/06/08 14:23:
Si5

State's Exhibit
163
1-30-23



State's Exhibit
224
9-6-23

RoA_7542

State's Exhibit
225
3-6-23

Residence
General Location of Phone
Godley Heating and Cooling, Inc
Moselle Rd

RoA_7544

State's Exhibit
227
2-2-23

State's Exhibit
228
2-2-23

RoA_7548

State's Exhibit
239
2-2-23

PLACE HOLDER

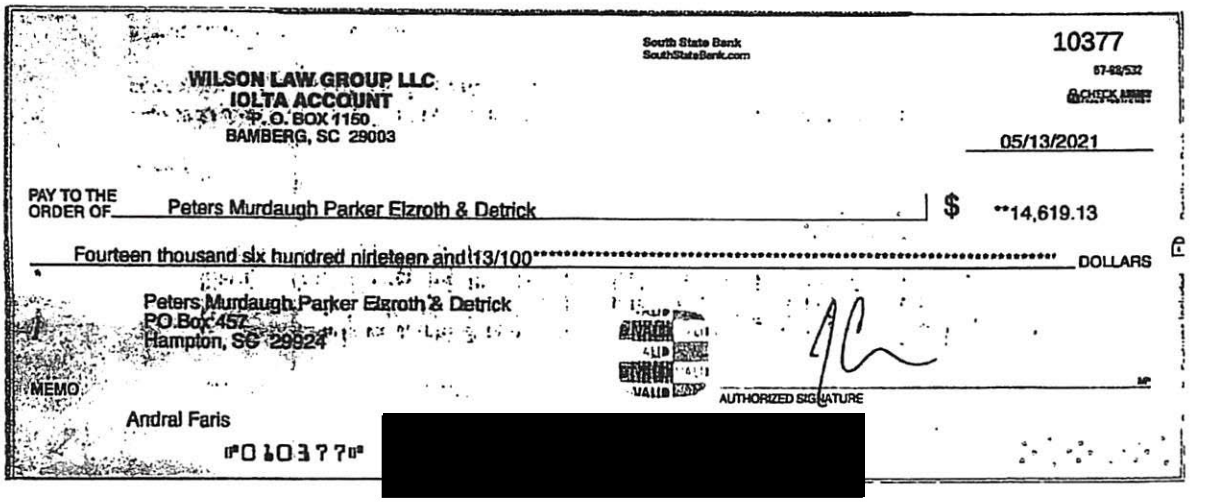
(State Exhibit 243 – Interview Recording)

PLACE HOLDER

(State Exhibit 297 – Kennel Recording)

PLACE HOLDER

(State Exhibit 306 – Snapchat Recording)



South State Bank
SouthStateBank.com

10377

57-62/532

WILSON LAW GROUP LLC
IOLTA ACCOUNT
P. O. BOX 1150
BAMBERG, SC 29003

05/13/2021

PAY TO THE ORDER OF Peters Murdaugh Parker Elzroth & Detrick $ **14,619.13

Fourteen thousand six hundred nineteen and 13/100********** DOLLARS

Peters Murdaugh Parker Elzroth & Detrick
PO Box 457
Hampton, SC 29924

MEMO

AUTHORIZED SIGNATURE

Andral Faris

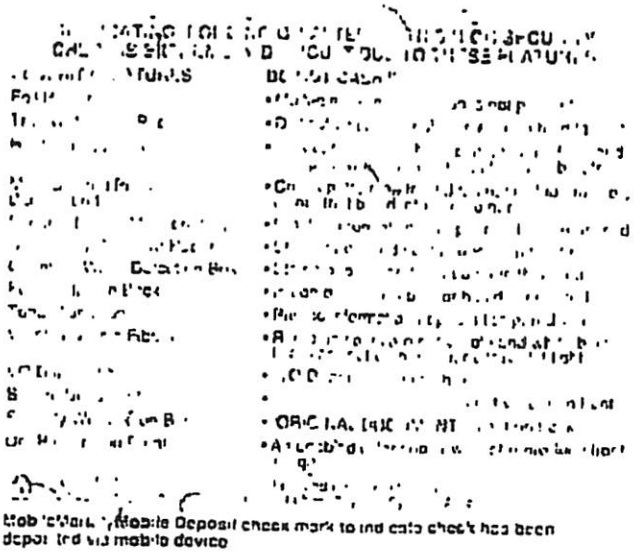
⑈010377⑈ [redacted]

ENDORSE HERE

X

☐ CHECK BOX FOR MOBILE REMOTE DEPOSIT

Clearance Check
Indicator Box



Mobile/Online Deposit check mark to indicate check has been deposited via mobile device

fee?

ATTORNEY ACCOUNT DEPOSIT

ATTORNEY **RAM** **Annette B Griswold**

DATE: **May 19, 2021** CHECK AMOUNT **$14,619.14 + $14,619.13 = $29,238.27**

CLIENT'S NAME **Denise Faris as the Personal Representative of the Estate of Andral Pinckney Faris, III** VS **Mack Trucks, Inc.**

MATTER ID **016338-020165** 26738.27

CHECK FROM **Wilson Law Group, LLC**

FEE - $ -zero- **EXPENSES - $26,738.27**

CLIENT'S NAME **Denise Faris** VS **Mack Trucks, Inc.**

MATTER ID **016532-020432** **EXPENSES - $31.74**

OTHER (Describe) **Actual expenses total $26,770.01; Difference is $2,468.26; Get receipts from RAM (abg)**

Where fee?

Peters Murdaugh Parker Eltzroth & Detrick, P.A.

PMPED WIP Report

016338-020165 Denise Faris as the Personal Representative of the Estate of Andral Pinckney Faris, III v. Mack Trucks, Inc.

9/13/2021 4:48:04 PM

Date	Check Number	Description	Description	Amount
Matter ID: 016338-020165				
10/21/2018	cc-20	RAM BofA - Meal @ House of Pizza in Bamberg, SC on 10/22/18	Meals-Hampton (no doc)	41.20
04/02/2019	137355	Cost paid to William T. Armstrong, Jr. Transportation Services to Columbia for RAM	Service Fee-Hampton	102.50 ✓
10/07/2019		RAM BofA - Richland Co. E-File - Motion/Compel ID#2137302	Filing Fee-Hampton	31.74 ✓
01/02/2020	141416	Cost paid to EveryWord, Inc. Inv#32415 Deposition of Brett Gunter, MD on 12/4/2019	Deposition- Hampton	142.50 ✓
01/14/2020	141679	Cost paid to Veritext Corporate Services, Inc. Inv#SC4132136 & SC4132133; Depo of Andral Faris on 1/10/20	Deposition- Hampton	425.08 ✓
05/07/2020		RAM BofA - Richland Co. E-File - Proposed Order/Consent Order ID#2742397	Filing Fee-Hampton	31.74 ✓
09/21/2020	145222	Cost paid to Nathan Tuten Reimburse Travel to Lexington Hospital on 8/3/20; 179 miles	Travel -Hampton	103.82 ✓
11/17/2020	RAM-11-20	RAM Amex Charge - Meal @ Tavern & Tables in Mt. Pleasant on 11/17/20 for $98.15	Meals-Hampton (no doc)	98.15
11/18/2020	RAM-11-20	RAM BofA - Meal @ Andy's Deli in Columbia, SC on 11/18/20	Meals-Hampton	37.71 ✓
10/20/2020	RAM-10-20	RAM AMEX - Meal @ California Dreaming, Columbia SC on 10/20/20	Meals-Hampton no receipt	175.36
08/07/2020		RAM BofA - Meal @ Hall Chophouse in Greenville, SC on 8/7/20	Meals-Hampton no receipt	819.07
09/19/2020		RAM BofA - Meal @ Trattoria Giorgio in Greenville, SC on 9/19/20	Meals-Hampton	424.40 ✓
11/08/2020		RAM BofA - Meal @ Halls Chophouse in Columbia, SC on 11/8/20	Meals-Hampton no receipt	256.44
01/04/2021	146734	Cost paid to Paul B. Pritchard, III, M D. Case#2018-CP-40-04236 Expert Services		900.00 ✓

Peters Murdaugh Parker Eltzroth & Detrick, P.A.

PMPED WIP Report

016338-020165 Denise Faris as the Personal Representative of the Estate of Andral Pinckney Faris, III v. Mack Trucks, Inc.

Date	Check Number	Description	Description	Amount
12/22/2020		RAM BofA - Richland Co. E-File - Proposed Order/Substitution of Counsel ID#3295065	Filing Fee-Hampton	31.74
01/11/2021	146874	Cost paid to Annette B. Griswold Reimburse Travel to and from Richland Courthouse on 1/5/21 & 1/7/21; 185 Miles		103.60
01/11/2021	146874	Cost paid to Annette B. Griswold Reimburse Meals CVS on 1/5/21 - Drink - $5.35 Sammi's Deli on 1/5/21 - Meal - $28.45 Sato Japanese on 1/6/21 - Meal - $42.14 Tokyo Japanese on 1/7/21 - Meal - $58.00		133.94
01/11/2021	146874	Cost paid to Annette B. Griswold Reimburse Parking Fee		6.00
01/12/2021	146907	Cost paid to Marshall Allyn White, M.D. Expert Services		4,000.00
01/12/2021	146908	Cost paid to Vertex PT Specialists Expert Services		862.50
01/12/2021	146909	Cost paid to Mary Jo McGill, RMR, Inc. Inv#12-29-20 Deposition of Paul Pritchard, MD		600.57
01/06/2021	RAM-1-21	Cost paid to BOFA Charge		1.85
01/06/2021	RAM-1-21	RAM BofA - Passport Parking ID#269025826; Parking Fee on 1/6/21		1.85
01/06/2021	RAM-1-21	RAM BofA - Passport Parking ID#269022275; Parking Fee on 1/6/21		1.85
01/06/2021	RAM-1-21	RAM BofA - Passport Parking ID#269096253; Parking Fee on 1/7/21		1.85
01/07/2021	RAM-1-21	RAM BofA - Passport Parking ID#269096571; Parking Fee on 1/7/21		1.85
01/07/2021	RAM-1-21	RAM BofA - Passport parking ID#269113844; Parking Fee on 1/7/21		1.85
01/07/2021	RAM-1-21	RAM BofA - Passport Parking ID#269138983; Parking Fee on 1/7/21		1.85
01/07/2021	RAM-1-21	RAM BofA - Passport Parking ID#269138872; Parking Fee on 1/7/21		1.85
01/06/2021	RAM-1-21	RAM BofA - Passport Parking ID#268995550; Parking Fee on 1/6/21		1.85

Peters Murdaugh Parker Eltzroth & Detrick, P.A.

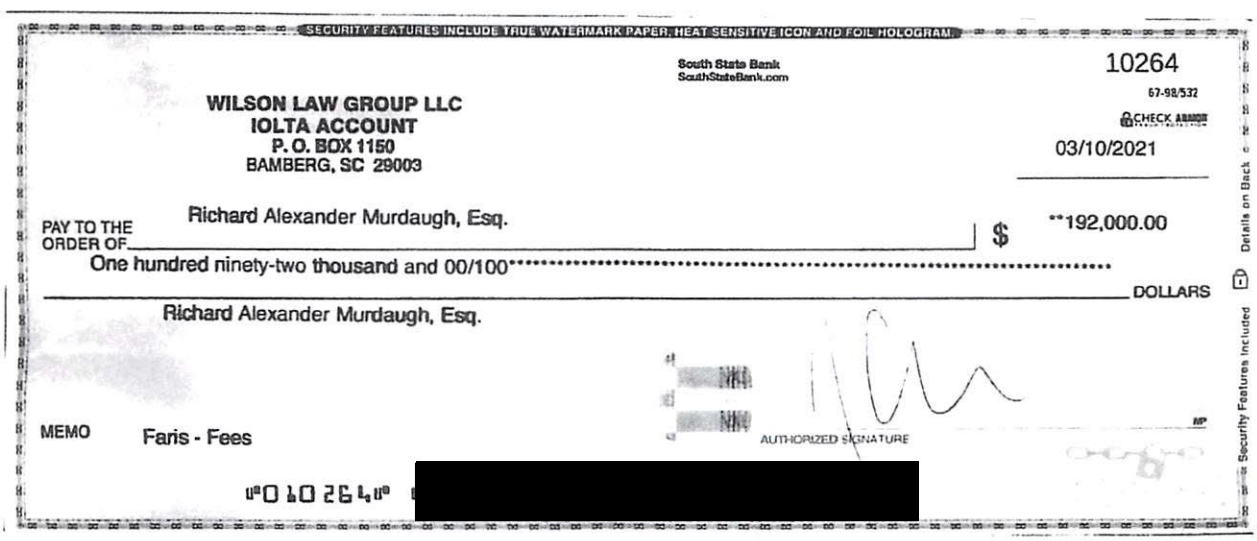
PMPED WIP Report

016338-020165 Denise Faris as the Personal Representative of the Estate of Andral Pinckney Faris, III v. Mack Trucks, Inc.

Date	Check Number	Description	Description	Amount
01/06/2021	RAM-1-21	RAM BofA - Passport Parking ID#268995116; Parking Fee on 1 6 21		1.85
01 06/2021	RAM-1-21	RAM BofA - Passport Parking ID#268994899; Parking Fee on 1 6 21		1.85
01/04/2021	RAM-1-21	RAM BofA - Meal @ Home Team BBQ in Columbia, SC on 1/3/21		215.18
01/04/2021	RAM-1-21	RAM BofA - Meal @ Marcos Pizza in Columbia, SC on 1/4/21	no receipt	42.97
01/05/2021	RAM-1-21	RAM BofA - Meal @ Saludas Restaurant in Columbia, SC on 1/5/21	no receipt	588.00
01/11/2021	RAM-1-21	RAM BofA - Meal @ Graduate Hotel on 1/4/21 - 1/7/21		49.82
01 02 2021	RAM-1-21	RAM Amex - Meal @ Thirsty Fellow in Columbia, SC on 1/2/21 for $105.95		105.95
01/06/2021	RAM-1-21	RAM Amex - Halls - Meal in Columbia on 1/6/21 for $859.56		859.56
01/07/2021	RAM-1-21	RAM Amex - Graduate Columbia - Lodging (2 Rooms) 1 4 21 - 1/5/21 $1367.65		1,367.65
01/03/2021	RAM-1-21	RAM Amex Charge to Homegrown Hospitality for $177.95 7 Gift Cards for Richland County Court House Staff at Trial		177.95
01/06/2021	RAM-1-21	RAM Amex - Michaels Cafe and Catering for a meal in Columbia on 1/6/21 for $97.95		97.95
01/11/2021	RAM-1-21	RAM BofA - Meal @ Blue Marlin in Columbia, SC on 1-11-21		34.91
02/22/2021	147499	Cost paid to Paul M. Aitchison, M.D., P.A. - Inv#37: Andral Faris Expert Services		13,850.00
			Matter ID: 016338-020165	26,738.27
			Grand Total:	**$26,738.27**

SGJ 2021-296

31-21-0098



SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

South State Bank
SouthStateBank.com

10264

67-98/532

CHECK ABA/ROUTING

WILSON LAW GROUP LLC
IOLTA ACCOUNT
P. O. BOX 1150
BAMBERG, SC 29003

03/10/2021

PAY TO THE ORDER OF Richard Alexander Murdaugh, Esq. $ **192,000.00

One hundred ninety-two thousand and 00/100********** DOLLARS

Richard Alexander Murdaugh, Esq.

MEMO Faris - Fees

AUTHORIZED SIGNATURE

Details on Back. Security Features Included

⑈010264⑈ [redacted]

2369

Bank of America Deposit Only
GCH

Bank of America

Nicole C. Peters

From: Vicki Lyman <vicki@wilsonlawgroupsc.com>
Sent: Wednesday, May 19, 2021 11:37 AM
To: Annette B. Griswold
Subject: [External Email] RE: Faris
Attachments: Settlement Statement - signed - Andral.pdf; Settlement Statement - signed - Denise.pdf

Dear fried – it is only costs because your boss and mine and Liz's got their fees once they were signed (duh) lol

From: Annette B. Griswold <agriswold@pmped.com>
Sent: Wednesday, May 19, 2021 11:32 AM
To: Vicki Lyman <vicki@wilsonlawgroupsc.com>
Subject: RE: Faris

And question... why just expenses and no fee? (Sorry, I'm not in the loop.)

Annette Griswold
LEGAL ASSISTANT FOR ALEXANDER MURDAUGH
Phone: 803.914.6726 • Email: agriswold@pmped.com
Fax: 803.914.6711 • www.pmped.com
101 Mulberry Street East • Post Office Box 457
Hampton, South Carolina 29924
PMPED | PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.
This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: Annette B. Griswold
Sent: Wednesday, May 19, 2021 11:01 AM
To: Vicki Lyman <vicki@wilsonlawgroupsc.com>
Subject: Faris

Hola Chica. Just got the Faris checks. Can you email me a disbursement sheet for my file also?

Gracias.

Jeanne Seckinger

From: Annette B. Griswold
Sent: Friday, October 22, 2021 11:47 AM
To: Jeanne Seckinger
Subject: FW: [External Email] Faris

Annette Griswold
LEGAL ASSISTANT

Phone: 803.914.6726 • Email: agriswold@pmped.com
Fax: 803.914.6711 • www.pmped.com
101 Mulberry Street East • Post Office Box 457
Hampton, South Carolina 29924

PMPED | PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person

From: Vicki Lyman <vicki@wilsonlawgroupsc.com>
Sent: Wednesday, June 2, 2021 2:21 PM
To: Annette B. Griswold <agriswold@pmped.com>; J. Christopher Wilson <chris@wilsonlawgroupsc.com>
Cc: Jeanne Seckinger <JSeckinger@pmped.com>
Subject: RE: [External Email] Faris

Annette – since this involves documents I do not deal with, I am forwarding this request to Chris.

PLEASE NOTE THAT MY EMAIL HAS CHANGED TO vicki@wilsonlawgroupsc.com

Vicki Lyman
Wilson Law Group, LLC
P.O. Box 1150
Bamberg, SC 29003
803-245-7799
803-245-0037 (fax)

vicki@wilsonlawgroupsc.com

From: Annette B. Griswold <agriswold@pmped.com>
Sent: Wednesday, June 2, 2021 11:24 AM
To: Vicki Lyman <vicki@wilsonlawgroupsc.com>

Jeanne Seckinger

From: Annette B. Griswold
Sent: Friday, September 24, 2021 1:13 PM
To: Jeanne Seckinger
Subject: FW: Faris

Annette Griswold
LEGAL ASSISTANT

Phone: 803.914.6726 • Email: agriswold@pmped.com
Fax: 803.914.6711 • www.pmped.com
101 Mulberry Street East • Post Office Box 457
Hampton, South Carolina 29924

PMPED | PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person

From: Annette B. Griswold
Sent: Wednesday, June 2, 2021 11:24 AM
To: Vicki Lyman <vicki@wilsonlawgroupsc.com>
Cc: Jeanne Seckinger <JSeckinger@pmped.com>
Subject: RE: Faris

Hey Vicki,

Just to clarify, our co-counsel files require full disbursement paperwork including disbursement sheets, expense sheets, supporting docs and trust ledger printout. That is what we are requesting in the Faris matter. Please feel free to include Jeanne on the email when you send or let us know if there is an issue.

Thank you.
Annette

From: Annette B. Griswold
Sent: Thursday, May 27, 2021 12:48 PM
To: Vicki Lyman <vicki@wilsonlawgroupsc.com>
Subject: RE: Faris

Hey Vicki. By the time you read this, you will be back from vacation and drowning in email. No worries. This is not a huge rush. I told Jeanne that you were on vacation and it would be about a week or so to hear back from you. Anyway, please help with the request below.

Thank you.
Annette

Annette Griswold
LEGAL ASSISTANT TO R. ALEXANDER MURDAUGH

Phone: 803.914.6726 • Email: agriswold@pmped.com
Fax: 803.914.6711 • www.pmped.com
101 Mulberry Street East • Post Office Box 457
Hampton, South Carolina 29924

PMPED | PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person

From: Jeanne Seckinger <JSeckinger@pmped.com>
Sent: Thursday, May 27, 2021 11:40 AM
To: Annette B. Griswold <agriswold@pmped.com>
Subject: Faris

Annette,

Nicole brought me the check for the expenses in the Faris files and the amount doesn't match our records. Alex, thinks he has more costs outstanding but can't say what. Would you see if you can get a copies of expenses submitted by all parties so we can compare to ours. We actually need a copy of the full disbursement like we keep here when we do a disbursement so that would include disbursement, expense sheets, supporting docs and trust ledger printout.

Thanks.

Jeanne Seckinger
CHIEF FINANCIAL OFFICER

Phone: 803.914.2010 • Email: jseckinger@pmped.com
Fax: 803.943.2095 • www.pmped.com
101 Mulberry Street East • Post Office Box 457
Hampton, South Carolina 29924

PMPED | PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person

From: Alex Murdaugh
To: Jeanne Seckinger
Cc: Lee Cope
Subject: FW: Andral Faris / Denise Faris
Date: Monday, July 19, 2021 5:41:18 PM

-----Original Message-----
From: J. Christopher Wilson <chris@wilsonlawgroupsc.com>
Sent: Monday, July 19, 2021 5:22 PM
To: Alex Murdaugh <AMurdaugh@pmped.com>
Subject: Andral Faris / Denise Faris

Caution: This email came from outside the PMPED network. Use caution when clicking on links and attachments.

Alex- As discussed, I am confirming that I am holding in trust $600,000 in the Andral Faris case and $192,000 in the Denise Faris case which represent Attorneys fees. I will continue to hold these monies in trust until I am instructed by you or your firm regarding payment.

Chris

Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1626729697-1q8i7prrH6lX&r_address=amurdaugh%40pmped.com&report=1

South State Bank
SouthStateBank.com

10264

WILSON LAW GROUP LLC
IOLTA ACCOUNT
P. O. BOX 1150
BAMBERG, SC 29003

03/10/2021

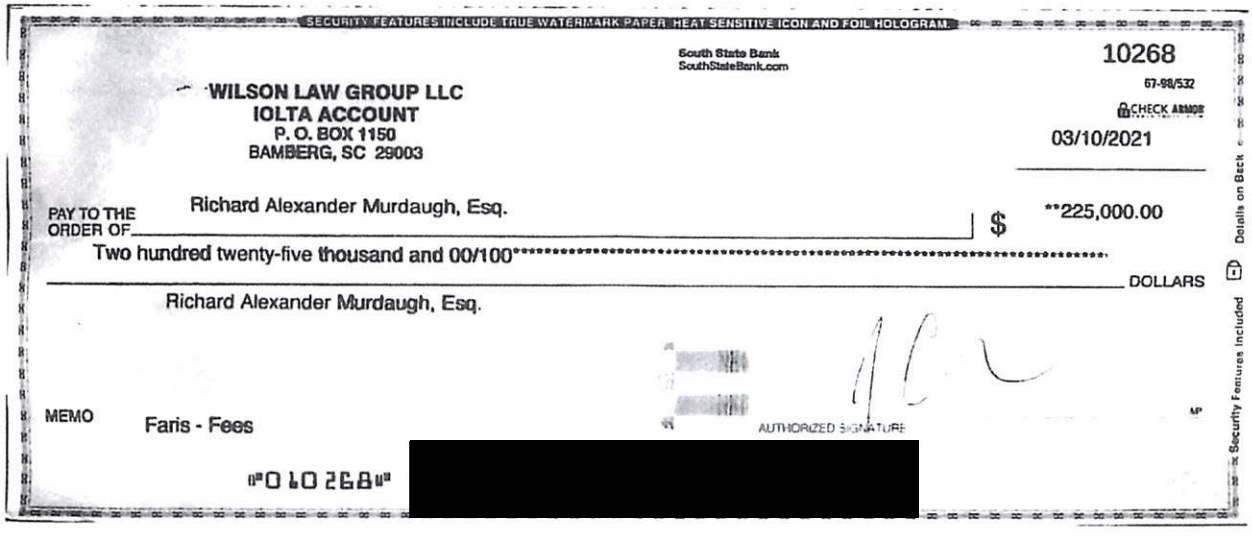
PAY TO THE ORDER OF Richard Alexander Murdaugh, Esq. $ **192,000.00

One hundred ninety-two thousand and 00/100********** DOLLARS

Richard Alexander Murdaugh, Esq.

MEMO Farris - Fees

⑈010264⑈ [redacted]



SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

South State Bank
SouthStateBank.com

10268

67-98/532

CHECK ARMOR

WILSON LAW GROUP LLC
IOLTA ACCOUNT
P. O. BOX 1150
BAMBERG, SC 29003

03/10/2021

PAY TO THE ORDER OF Richard Alexander Murdaugh, Esq. $ **225,000.00

Two hundred twenty-five thousand and 00/100********** DOLLARS

Richard Alexander Murdaugh, Esq.

MEMO Faris - Fees

AUTHORIZED SIGNATURE

[redacted]

Details on Back. Security Features Included

C&M Bank of America
Payoff Only

SETTLEMENT STATEMENT
March 24, 2021

Andral Faris vs. James Broome Individually and as Agent of C.R. Jackson, Inc. and N.W. White & Company, and C.R. Jackson, Inc., and N.W. White & Company, and Shealy's Truck Center, Inc. dba Shealy's Mack Distributors and Mack Trucks, Inc.
Case No.: 2018-CP-40-04236

SETTLEMENT _____ $4,000,000.00

Wilson Law Group (fees)	$600,000.00
Wilson Law Group (costs)	$6,765.11
Burriss & Ridgeway (fees)	$600,000.00
Burriss & Ridgeway (costs)	$2,983.98
Peters, Murdaugh, Parker, Elzroth & Detrick (fees)	$600,000.00
Peters, Murdaugh, Parker, Elzroth & Detrick (costs)	$14,619.13
Bledsoe Family Medicine	$0.00 (not paid per client instruction)
Labsource	$0.00 (account paid)
Lexington EMS	$192.94
Lexington Medical Center/Radiology/Physicians	$5,239.82
Lexington Brain and Spine Inst./SE Ortho & Sports Med.	$370.00 (payable to LMC)
Palmetto Imaging Downtown	$0.00 (account paid)
Vertex PT	$0.00 (account paid)
Pitts Radiology	$0.00 (account paid)
EBI (Bone Healing System)	$860.24
Columbia Heart Clinic	$0.00 (account paid)
Moore Ortho/Palmetto Health USC	$0.00 (account paid)
Marshall A. White, M.D.	$0.00 (account paid)
Optum (Medicare Advantage)	$13,447.41 (as of 01/26/21)
NGHP (Medicare)	$67,969.55 (as of 03/08/21)
Monies withheld (additional medical/costs/liens)	$350,000.00

TOTAL DISBURSEMENTS: $2,262,448.18

Net to Estate: $1,737,551.82

TOTAL: $4,000,000.00

I hereby certify that I fully agree with the settlement of this matter and disbursements as set forth above. I agree that this settlement was in my best interests, and I authorize and direct my attorney to settle this matter as set forth above. I further certify that I have requested and authorize the above disbursements. I understand this settlement is full and final settlement of all claims arising out of the above matter. I further certify that I received medical treatment for

injuries sustained in this matter at the places listed above and from no other providers. I understand that any medical bills, costs or expenses, or any other damages not paid above, or any future medical bills, costs or expenses, whatsoever, will be my full responsibility. I have been advised that if Blue Cross/Medicaid/Medicare/disability insurance/workers compensation insurance/other insurance company claims a lien due to any payment for treatment in connection with this matter, any lien and repayment not shown above will be my sole responsibility. I have also been advised that my receipt of proceeds may affect my eligibility for public benefits, including but not limited to Medicaid, SSI and other benefits, and that with such knowledge I have authorized this settlement.

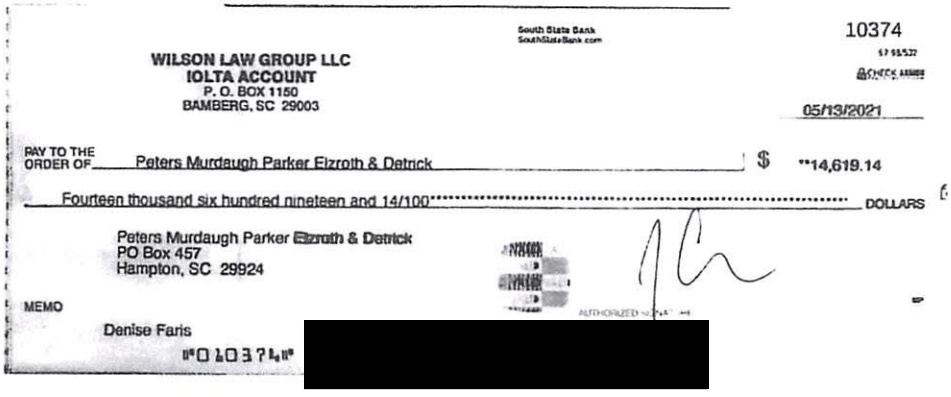
DATE: 3/24/21

WITNESSES:

_____

Denise Faris

Denise Faris as PR of the Estate of Andral Faris



South State Bank
SouthStateBank.com

10374

WILSON LAW GROUP LLC
IOLTA ACCOUNT
P. O. BOX 1150
BAMBERG, SC 29003

05/13/2021

PAY TO THE ORDER OF Peters Murdaugh Parker Elzroth & Detrick $ **14,619.14

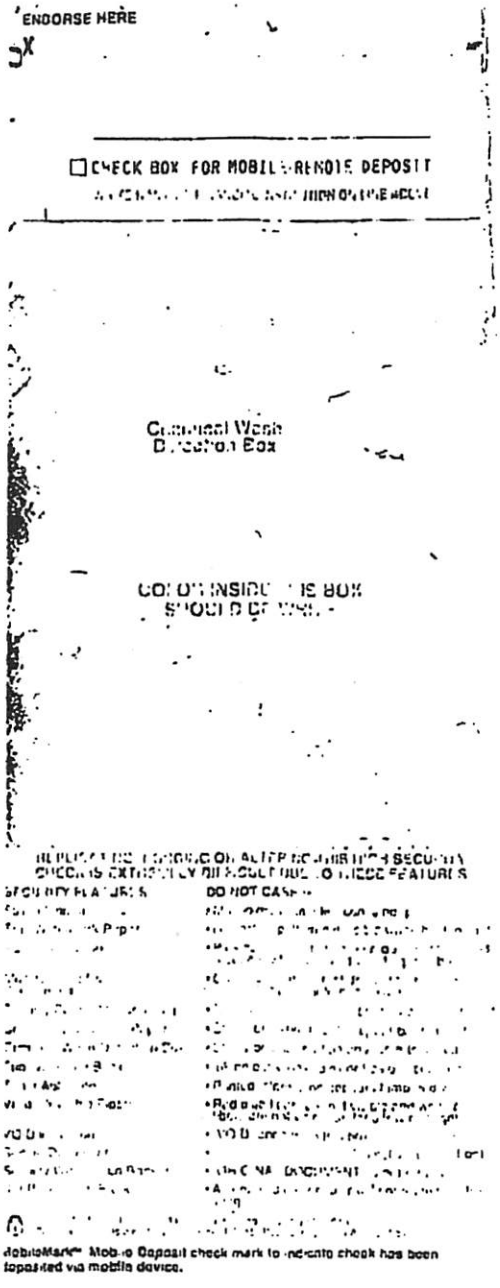
Fourteen thousand six hundred nineteen and 14/100********** DOLLARS

Peters Murdaugh Parker Elzroth & Detrick
PO Box 457
Hampton, SC 29924

MEMO

Denise Faris

[redacted]


ENDORSE HERE
CHECK BOX FOR MOBILE REMOTE DEPOSIT
Chemical Weak
Direction Box
DO NOT WRITE IN THIS BOX
SECURITY FEATURES
DO NOT CASH
MobileMark™ Mobile Deposit check mark to indicate check has been deposited via mobile device.

State's Exhibit
312
2-7-23

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

South State Bank
SouthStateBank.com

10268

67-98/532

CHECK ARMOR FRAUD PROTECTION

WILSON LAW GROUP LLC
IOLTA ACCOUNT
P. O. BOX 1150
BAMBERG, SC 29003

03/10/2021

PAY TO THE ORDER OF Richard Alexander Murdaugh, Esq. $ **225,000.00

Two hundred twenty-five thousand and 00/100********** DOLLARS

Richard Alexander Murdaugh, Esq.

RoA 7575

VALID VALID VALID VALID VALID VALID

MEMO Faris - Fees

AUTHORIZED SIGNATURE

MP

HEAT SENSITIVE

⑈010268⑈

[redacted]

Details on Back. Security Features Included

ENDORSE HERE

X C+M Bank of America
Deposit Only

☐ CHECK BOX FOR MOBILE/REMOTE DEPOSIT

WRITE NAME OF FINANCIAL INSTITUTION ON LINE ABOVE

Chemical Wash Detection Box

COLOR INSIDE THIS BOX SHOULD BE WHITE

REPLICATING, FORGING OR ALTERING THIS HIGH SECURITY CHECK IS EXTREMELY DIFFICULT DUE TO THESE FEATURES

SECURITY FEATURES:	DO NOT CASH IF:
Foil Hologram	• Multi-dimensional foil icon is not present
True Watermark Paper	• Distinctive pattern not visible when held to light
Heat Sensitive Ink	• Pink padlock and chain icon does not fade and reappear when warmed with finger or breath
Multi-Colored Prismatic Background	• Check pattern on front does not include multiple colors that blend into each other
Security Border/Microprinting	• Small microprint lines appear as broken or solid
Chemically Sensitive Paper	• Stains or colored spots appear on front or back
Chemical Wash Detection Box	• Stains or discoloration appear in this area
Fugitive Ink on Back	• Ink on back looks pink or has disappeared
Toner Adhesion	• Printed information appears tampered with
Visible/Invisible Fibers	• Red/blue fibers are not visible and white/blue fibers are not visible under ultraviolet light
VOID Indication	• "VOID" appears in this box
Secure Document	• "SECURE DOCUMENT" is not visible on front
Security Weave® on Backer	• "ORIGINAL DOCUMENT" is not on back
Dot Patterns on Front	• An enabled color copier will not reproduce front image

Security features listed are ... standards.
® Padlock design is a ... Bankers Association

MobileMark®: Mobile Deposit check mark to indicate check has been deposited via mobile device.

RoA_7576

PENGAD 800-631-6989
STATE'S
EXHIBIT
313
MW

Check Date	Check #	Client	Civil Action #	Category	Date Trust Funded	Amount
12/26/18	55894	Audreyauna Hay	2016-CP-03-162	Forge pymt	9/19/2021	$ 225,073.46
8/16/18		Barrett Boulware	N/A	Took Ins Proceeds	9/13/2021	$ 75,193.00
2/25/19	56196	Barrett Boulware	N/A	Forge pymt	9/13/2021	$ 279,850.65
12/15/20	4271	Ben Kendall -PR Est of Jacob Hershberger	CP-15-00165 for wrongful death hearing:settled prior to complaint being filed	Forge pymt	11/11/2021	$ 91,867.50
5/12/21	4271	Ben Kendall -PR Est of Jacob Hershberger	CP-15-00165 for wrongful death hearing:settled prior to complaint being filed	Forge pymt	11/11/2021	$ 83,333.33
4/9/19	56398	Blondell Gary	2012-CP-25-402	Forge pymt	9/27/2021	$ 112,500.00
2/20/20	2317	Christopher Anderson	2018-CP-25-00285	Forge pymt	9/14/2021	$ 750,000.00
8/20/15		Deon Martin	2013-CP-03-113	Fake Annuity/Fee Taken	11/11/2021	$ 200,000.00
8/20/15		Deon Martin	2013-CP-03-113	false expenses	11/23/2021	$ 17,500.00
10/7/15	49663	Deon Martin	2013-CP-03-113	Forge pymt	9/30/2021	$ 338,056.14
10/11/16	51667	Deon Martin	2013-CP-03-113	Forge pymt	9/30/2021	$ 45,000.00
11/30/20	3521	Elease Mallory PR estate of Sandra Taylor	N/a	Forge pymt	9/14/2021	$ 183,528.00

8/30/16	51469	Jamian Risher	2008-CP-25-20	Forge pymt	9/25/2021	$ 90,000.00
11/7/19		Jamian Risher	2008-CP-25-20	Improper Expense	10/11/2021	$ 5,541.17
6/9/16	51065	Johnny Bush	2014-CP-25-93	Forge pymt	9/13/2021	$ 95,000.00
8/1/18	55051	Jordan Jinks	2017-CP-07-00180	Forge pymt	9/13/2021	$ 85,000.00
9/18/18	55305	Jordan Jinks	2017-CP-07-00180	Forge pymt	9/13/2021	$ 65,000.00
8/11/16	51398	Manuel Santis-Cristiani (stolen funds intended for MUSC)	2011-CP-15-764	Forge pymt	9/25/2021	$ 70,000.00
10/3/18	55343	Mary Duncan	2017-CP-10-5842	Forge pymt	9/13/2021	$ 19,500.00
10/3/17	53542	Randy Drawdy	2006-CP-25-460	Forge pymt	9/14/2021	$ 9,569.30
1/29/11	3811	Thomas Moore	2018-CP-38-00565	Forge pymt	9/13/2021	$ 125,000.00
		TOTAL				$ 2,841,512.55

RoA_7579

State's Exhibit
MW 314
2-7-23
exhibitindexes.com/4516

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	CIVIL ACTION NO.:
	)	
ELEASE MALLORY AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF SANDRA TAYLOR,	)	
	)	
PLAINTIFF,	)	
	)	**DISBURSEMENT SHEET**
V.	)	**Matter ID #: 003896-020593**
	)	
DEONTRE LEONARD COHEN,	)	
	)	
DEFENDANTS	)	

RECOVERY AMOUNT	**$183,528.00**
DISBURSEMENTS:	
PMPE&D - Attorneys Fee	$ 30,000.00
PMPE&D- Advanced Costs	
South Carolina Department of Motor Vehicles (accident report)	$ 6.00
South Carolina Department of Public Safety (Report)	$ 656.00
Total Expenses	**$ 662.00**
Total Fee & Expenses	**$ 30,662.00**
Forge	**$152,866.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

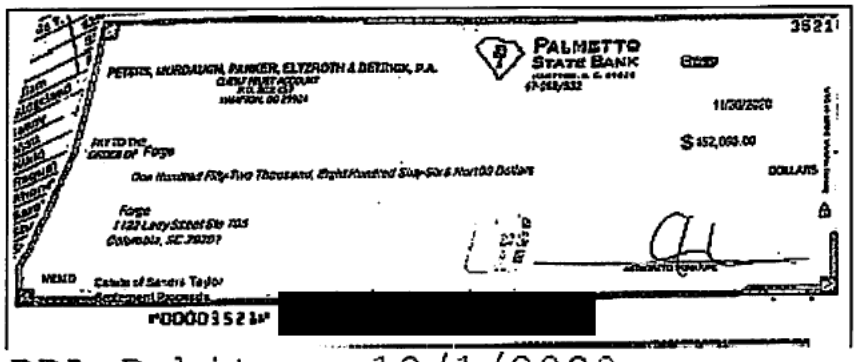
As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

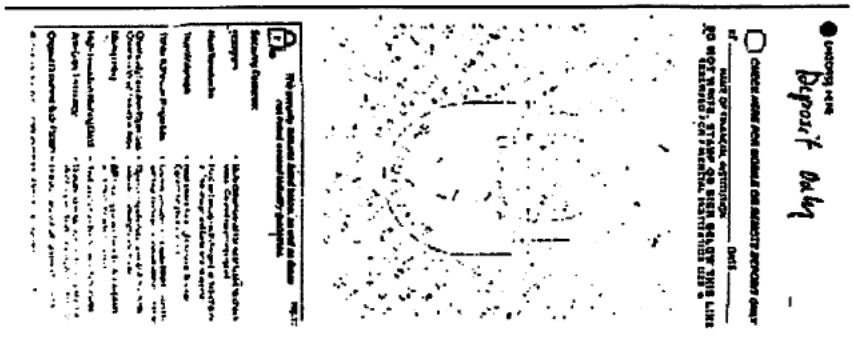
R. Alexander Murdaugh

Elease Mallory as Personal Representative for the Estate of Sandra Taylor

December _____, 2020



DDA Debits - 12/1/2020



DDA Debits - 12/1/2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	
	)	
ELEASE MALLORY AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF SANDRA TAYLOR,	)	
	)	**SECOND DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 003896-020593**
V.	)	
	)	
DEONTRE LEONARD COHEN,	)	
	)	
DEFENDANT.	)	
	)	

RECOVERY AMOUNT: $183,528.00

ATTORNEYS COSTS & FEES:

PMPED – Fees (Reduced to 25% per CSA)	$ 45,882.00
Previously disbursed (December 2020, but replenished in September 14, 2021 deposit)	$ 30,000.00
Fees To Be Paid (Disbursement – September 28, 2022)	**$ 45,882.00**
PMPED – Advanced Costs	$ 905.80
Previously disbursed (December 2020, but replenished in September 14, 2021 deposit)	$ 662.00
Costs To Be Paid (Disbursement – September 28, 2022)	$ 905.80
TOTAL	**$ 46,787.80**

SETTLEMENT PROCEEDS TO CLIENTS:

Myaisa Wiley (Disbursement – September 28, 2022) (via Forge structure)	$ 45,580.06
Jameah Wiley (Disbursement – September 28, 2022) (via Forge structure)	$ 45,580.07
Trinity Wiley (Disbursement – September 28, 2022) (via Forge structure)	$ 45,580.07
TOTAL	**$ 136,740.20**

FUNDS DISBURSED: $183,528.00

[1] There was one previous disbursement in this matter. The first occurred in December of 2020, issuing a portion of attorneys fees and costs and issued $152,866.00 to Forge, wherein R. Alexander Murdaugh ("RAM"), a former partner at this firm, diverted Plaintiff's funds for his personal use. *See* Exhibit A. Upon learning of this improper handling of funds, PMPED took action and replaced said funds, including disbursed attorneys fees and costs, totaling $183,528.00, which were deposited into the trust account on September 14, 2021. *See* Exhibit B.

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 28 day of September 2022.

Chelci S. Avant

Elease Mallory
Personal Representative of the Estate
of Sandra Taylor

Witness

State's Exhibit
315
2-7-23

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	
	)	
Ben Allen Kendall as the Personal Representative for the Estate of Jacob N. Hershberger,	)	
	)	**FOURTH DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 015780-019408**
V.	)	
	)	
Brian Keith Joslin,	)	
	)	
DEFENDANT.	)	
	)	

RECOVERY AMOUNT: $633,168.96

GEICO Casualty Co. (Med Pay)	$ 5,000.00
Gentiva Health Services, Arch Insurance Company	$377,470.00
ELCO Claims Services (Property Damage)	$ 698.96
Nationwide Insurance (Liability)	$ 25,000.00
GEICO Casualty Co. (UIM)	$200,000.00
ELCO Claims Services	$ 25,000.00
TOTAL	**$633,168.96**

ATTORNEYS COSTS & FEES:

PMPED – Fees (1/3 of recovery – $209,156.67)[2]	
Fee diverted on the May 12, 2021 Disbursement	$ 83,333.33
Fee diverted on the December 15, 2020 Disbursement	$ 91,867.50
Fee recovered in the December 15, 2020 Disbursement	$ 2,500.00
Fee due via the October ___, 2021 Disbursement	$ 31,455.84
PMPED – Advanced Costs	$ 9,111.46
TOTAL	**$218,268.13**

[1] There were three previous disbursements in this matter. The first occurred on April 26, 2019, issuing a partial settlement to Plaintiff. *See* Exhibit A. The second disbursement occurred on December 15, 2020, disbursing GEICO Med Pay proceeds and ELCO Claims property damage proceeds to Plaintiff. *See* Exhibit B. In the second disbursement, R. Alexander Murdaugh ("RAM"), a former partner at this firm, diverted $91,867.50 of PMPED's funds (attorneys fees) for his personal use. *See* Exhibit C. The third disbursement occurred on May 12, 2021, issuing attorneys fees and costs, satisfying a Sedgwick Claims lien and distributing the remainder to Plaintiff's beneficiaries. *See* Exhibit D and E. In the third disbursement, RAM diverted $83,333.33 of PMPED's funds (attorneys fees) for his personal use. *See* Exhibit D.

[2] Attorneys fees were not taken from the following:

- GEICO Casualty Co. (Med Pay): $5,000.00
- ELCO Claims Services (Property Damage): $698.96

LIENS:	
Sedgwick Claims Management Services. Inc. *See* Exhibit E.	$ 16,666.66
TOTAL	**$ 16,666.66**
SETTLEMENT PROCEEDS TO CLIENT:	
Property Damage Proceeds – December 15, 2020. *See* Exhibit B.	$ 698.96
HUGH HERSHBERGER	
Med Pay Proceeds – December 15, 2020. See Exhibit B.	$ 5,000.00
Disbursement – April 26, 2019. *See* Exhibit A.	$283,102.50
Disbursement – May 12, 2021. *See* Exhibit D.	$ 77,295.46
Disbursement – May 14, 2021 (Expense Refund).	$ 210.00
TOTAL	**$365,607.96**
JONI HERSHBERGER	
Disbursement – May 12, 2021. *See* Exhibit D.	$ 63,383.09
TOTAL	**$ 63,383.09**
TOTAL DISBURSED TO CLIENT	**$429,690.01**

FUNDS DISBURSED: $664,624.80
CLIENT OVERPAYMENT: ($31,455.84)

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this ___ day of October 2021.

Attorney

Ben Allen Kendall as PR for the Estate of Jacob N. Hershberger

Witness

Settlements — Taxability

The Internal Revenue Service recognizes that receiving a settlement award (amount) from a personal injury suit may create new tax issues for some individuals. The following information is provided to assist recipients of cash settlements.

The type of settlement you receive is determined by your Final Settlement Agreement.

Physical injuries or physical sickness settlements are generally non-taxable.

- If you receive a settlement for physical injuries or physical sickness and did not take an itemized deduction for medical expenses related to this injury in prior years, the full amount is non-taxable and generally does not need to be reported on your income tax return.

BUT

- If you receive a settlement for physical injuries or physical sickness and did deduct medical expenses related to the injury, the tax benefit amount is taxable and should be reported as "Other Income" on line 21 of Form 1040.

Interest, punitive damages, emotional distress or mental anguish, and employment discrimination or injury to reputation settlements are generally taxable.

- **Interest:** Amounts on any settlement are taxable as "Interest Income" and should be reported on line 8a of Form 1040.
- **Punitive Damages:** Amounts are taxable and should be reported as "Other Income" on line 21 of Form 1040. It does not matter if punitive damages are related to a physical injury or physical sickness.
- **Emotional distress or mental anguish:** Amounts are taxable to the extent that they exceed medical costs, not previously deducted, for treatment of emotional distress or mental anguish. A statement showing the entire settlement amount less related medical costs should be attached to the return. The net taxable amount should be reported as "Other Income" on line 21 of Form 1040.
- **Employment discrimination or injury to reputation:** Amounts are taxable and should be reported as "Other Income" on line 21 of Form 1040.

Loss-of-use or loss-in-value of property settlements may be taxable if the settlement exceeds your basis in the property.

- Property settlements that are less than the adjusted basis of your property are not taxable and generally do not need to be reported on your tax return.
- When property settlements exceed your adjusted basis in the property, the excess is gain. Gains on personal capital assets are reported on Form 1040's Schedule D, Capital Gains and Losses. Gains on business capital assets are reported on Form 4797, Sale of Business Property.

Some settlement recipients may need to make estimated tax payments if they expect their tax to be $1,000 or more after subtracting credits & withholding. Information on estimated taxes can be found in IRS Publication 505, Tax Withholding and Estimated Tax, and in Form 1040-ES, Estimated Tax for Individuals.

For additional help contact the IRS at 1-800-829-1040.

All of the forms and publications referenced in this publication are available from the IRS at **www.irs.gov**, or paper copies can be ordered by calling 1-800-829-3676 (1-800-TAX-FORM).

STAKEHOLDER PARTNERSHIPS, EDUCATION & COMMUNICATION

IRS

Department of the Treasury
Internal Revenue Service

www.irs.gov

Publication 4345 (Rev. 6-2006)
Catalog Number 38586D

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	
	)	
Ben Allen Kendall as the Personal Representative for the Estate of Jacob N. Hershberger,	)	
PLAINTIFF,	)	
	)	**DISBURSEMENT SHEET**
v.	)	**Matter ID #: 015780-019408**
	)	
Brian Keith Joslin,	)	
	)	
DEFENDANT.	)	

WORKERS COMPENSATION RECOVERY (Gentiva Health Services/Arch): $377,470.00

DISBURSEMENTS:

****EXPENSES DEFERRED TO PERSONAL INJURY CASE****

PMPE&D ATTORNEY'S FEE: $ 94,367.50

SETTLEMENT PROCEEDS TO BENEFICIARIES OF THE ESTATE OF JACOB HERSHBERGER, JONI HERSHBERGER & HUGH HERSHBERGER: $283,102.50

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

R. Alexander Murdaugh

Joni Hershberger

Hugh Hershberger

April 26, 2019

Witness

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	
	)	
Ben Allen Kendall as the Personal Representative for the Estate of Jacob N. Hershberger,	)	
	)	
Plaintiff,	)	**DISBURSEMENT SHEET OF MEDPAY & PROPERTY DAMAGE**
	)	**Matter ID #: 015780-019408**
v.	)	
	)	
Brian Keith Joslin,	)	
	)	
Defendant.	)	

MEDPAY DISBURSEMENT:

MEDPAY RECOVERY FROM GEICO: **$5,000.00**

MEDPAY SETTLEMENT TO HUGH HERSHBERGER: **$5,000.00**

Hugh Hershberger

- - - - - - - - - - - - -

PROPERTY DAMAGE DISBURSEMENT:

PROPERTY DAMAGE RECOVERY FROM ELCO: **$3,480.00**

PAYOFF OF CAR LIEN TO BB&T: **$2,484.04**

PROPERTY DAMAGE SETTLEMENT BALANCE TO BEN ALLEN KENDALL AS PR FOR THE OF THE ESTATE OF JACOB HERSHBERGER: **$ 698.96**

Ben Kendall as PR for the Estate of Jacob Hershberger

- - - - - - - - - - - - -

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

State's Exhibit
316

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2016-CP-03-162
	)	
Audreyauna C. Hay,	)	
	)	
Plaintiff,	)	
	)	**DISBURSEMENT SHEET**
V.	)	**Matter ID #: 009755-013833**
	)	
Roy Fields,	)	
	)	
Defendant.	)	

RECOVERY AMOUNT:	**$247,500.00**
DISBURSEMENTS:	
PMPE&D ATTORNEY'S FEES:	**$ 22,000.00**
TOTAL EXPENSES:	**$ 426.54**
SETTLEMENT PROCEEDS TO FORGE CONSULTING:	**$225,073.46**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

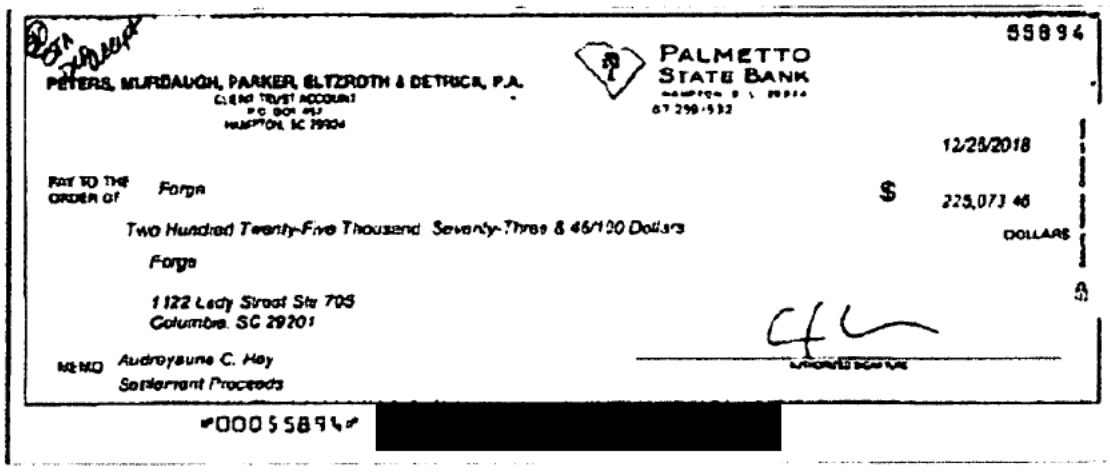
As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 12/20/18.

Attorney

Audreyauna Hay

Witness



PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.
CLIENT TRUST ACCOUNT
P.O. BOX 457
HAMPTON, SC 29924

PALMETTO STATE BANK
HAMPTON, SC 29924
67-259/532

55894

12/26/2018

PAY TO THE ORDER OF Forge

$ 225,073.46

Two Hundred Twenty-Five Thousand Seventy-Three & 46/100 Dollars

DOLLARS

Forge

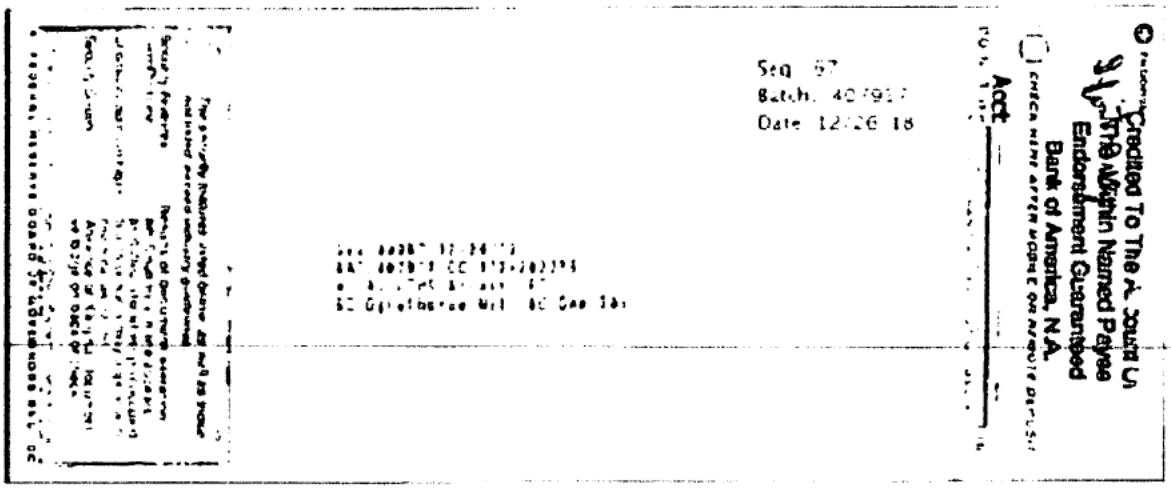
1122 Lady Street Ste 705
Columbia, SC 29201

MEMO Audreyauna C. Hay
Settlement Proceeds

AUTHORIZED SIGNATURE

⑈00055894⑈ [redacted]

55894 $225,073.46 12/27/2018



Seq: 57
Batch: 40791?
Date: 12/26/18

Credited To The A/c Of The Within Named Payee
Endorsement Guaranteed
Bank of America, N.A.

Acct

55894 $225,073.46 12/27/2018

LDC.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2016-CP-03-162
	)	
AUDREYAUANA C. HAY,	)	
	)	**THIRD DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 009755-013833**
V.	)	
	)	
ROY FIELDS,	)	
	)	
DEFENDANTS.	)	
	)	

RECOVERY AMOUNT:

State Farm Mutual Auto Insurance	$ 650,000.00
State Farm Mutual Auto Insurance	$ 247,500.00
TOTAL	**$ 897,500.00**

ATTORNEYS COSTS & FEES:

PMPED – Fees $650,000 Settlement. See Exhibit A.	$ 260,000.00
PMPED – Fee $247,500 (40%) taken on 12/20/18 disbursement. See Exhibit G.	$ 22,000.00
PMPED - Additional Fee due (99,000.00 -22,000.00)	$ 77,000.00 WB
PMPED – Advanced Costs. See Exhibit A.	$ 18,459.83
PMPED - Advanced Cost. See Exhibit H.	$ 6.50
PMPED – Advanced Cost. See Exhibit G.	$ 426.54
TOTAL	**$ 377,892.87**

[1] There were three previous disbursements in this matter. The first occurred on December 13, 2018, issuing attorney fees and costs, issuing $ 19,932.89 to Palmetto State Bank, satisfying Plaintiff's (8) loans, and satisfying various liens of Plaintiffs' (Palmetto Primary Care, Charles Nivens, Mobile Physical Therapy, and Aiken Massage Clinic) and withholding $2,994.41 in trust for additional liens. *See* Exhibit A,- F. The second disbursement occurred on December 20 ,2018 and on this disbursement a portion of the fee on the State Farm Settlement was collected as well as additional attorney costs. R. Alexander Murdaugh ("RAM"), a former partner at this firm, diverted the balance of the disbursement totaling $225,0763.46 funds for his personal use. Of this amount, $77,000 is owed to PMPED as remaining fees on the State Farm Settlement and 148,073.46 is Plaintiff's funds. *See* Exhibit G. The third disbursement occurred on March 7, 2019 and additional attorney costs were collected and liens to Equian and Medchex were satisfied and the balance distributed to Plaintiff. See Exhibit H, I, and J. Upon learning of this improper handling of funds, PMPED took action and replaced said funds totaling $225,073.46 which were deposited into the trust account on September 20, 2021. *See* Exhibit K.

A.H

LOANS: See Exhibit B.	
Loan # 6985790 (with interest through 12/14/2018):	$ 2,871.45
Loan # 6986400 (with interest through 12/14/2018):	$ 1,887.04
Loan # 6990883 (with interest through 12/14/2018):	$ 1,305.27
Loan # 6991352 (with interest through 12/14/2018):	$ 1,850.40
Loan # 6992442 (with interest through 12/14/2018):	$ 1,653.95
Loan 6992646 (with interest through 12/14/2018):	$ 2,135.93
Loan # 6992836 (with interest through 12/14/2018):	$ 3,104.14
Loan # 6992853 (with interest through 12/14/2018):	$ 5,124.71
TOTAL	**$ 19,932.89**

LIENS:	
Palmetto Primary Care. *See* Exhibit C.	$ 1,503.92
Charles J. Nivens, MD. See Exhibit D.	$ 15,487.80
Mobile Physical Therapy. See Exhibit E.	$ 2,930.00
Aiken Massage Clinic. *See* Exhibit F.	$ 960.00
HMS Absolute Total Care (Equian). See Exhibit I.	$ 869.64
MedChex. See Exhibit J.	$ 1,081.00
TOTAL	**$ 22,832.36**

SETTLEMENT PROCEEDS TO CLIENT:	
Disbursement – December 13, 2108. See Exhibit A.	$ 327,731.15
Disbursement – March 7, 2019. *See* Exhibit H.	$ 1,037.27
Final Disbursement to Client – October ___, 2021.	$ 148,073.46 WB
TOTAL	**$ 476,841.88**

TOTAL DISBURSEMENTS: $897,500.00

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this ___ day of October 2021.

A.N.

Attorney

Witness

Audreyauana C. Hay

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2016-CP-03-162
	)	
Audreyauna C. Hay,	)	
	)	
Plaintiff,	)	
	)	**DISBURSEMENT SHEET**
V.	)	**Matter ID #: 009755-013833**
	)	
Roy Fields,	)	
	)	
Defendant.	)	

RECOVERY AMOUNT: **$650,000.00**

DISBURSEMENTS:

PMPE&D ATTORNEY'S FEES: **$260,000.00**

TOTAL EXPENSES: **$ 18,459.83**

TOTAL PALMETTO STATE BANK LOANS: **$ 19,932.89**

Loan # 6985790 (with interest through 12/14/2018):	**$2,871.45**
Loan # 6986400 (with interest through 12/14/2018):	**$1,887.04**
Loan # 6990883 (with interest through 12/14/2018):	**$1,305.27**
Loan # 6991352 (with interest through 12/14/2018):	**$1,850.40**
Loan # 6992442 (with interest through 12/14/2018):	**$1,653.95**
Loan # 6992646 (with interest through 12/14/2018):	**$2,135.93**
Loan # 6992836 (with interest through 12/14/2018):	**$3,104.14**
Loan # 6992853 (with interest through 12/14/2018):	**$5,124.71**

TOTAL MEDICAL PROVIDER BALANCES: **$ 20,881.72**

Palmetto Primary Care Physicians:	**$ 1,503.92**
Charles J. Nivens, M.D., P.A.:	**$15,487.80**
Mobile Physical Therapy:	**$ 2,930.00**
Aiken Massage Clinic:	**$ 960.00**

TOTAL LIENS HELD IN TRUST PENDING REDUCTION REQUESTS: **$ 2,994.41**

HMS Absolute Total Care:	**$1,449.41**
MedChex:	**$1,545.00**

SETTLEMENT PROCEEDS TO AUDREYAUNA HAY: **$327,731.15**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND OR LIENS NOT DEDUCTED ABOVE

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without

A.H.

providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 12-13-18.

Attorney

Audrey Anna Hay

Witness

State's Exhibit
317
2-7-23
exhibitindexes.com #516

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.:
	)	
BARRETT E. BOULWARE PLAINTIFF,	)	
	)	**DISBURSEMENT SHEET**
v.	)	**Matter ID #: 015411-018914**
	)	
SOUTHERN FIDELITY INSURANCE COMPANY, DEFENDANTS	)	

RECOVERY AMOUNT **$280,500.00**

DISBURSEMENTS:

PMPE&D - Attorneys Fee	$ No Fee
PMPE&D- Advanced Costs	
Clark and Associates, Inc. (deposition expense)	$ 388.20
Clark and Associates, Inc. (Examination Under Oath)	$ 245.15
Filing expense	$ 16.00
Total Expenses	**$ 649.35**

Forge **$279,850.65**

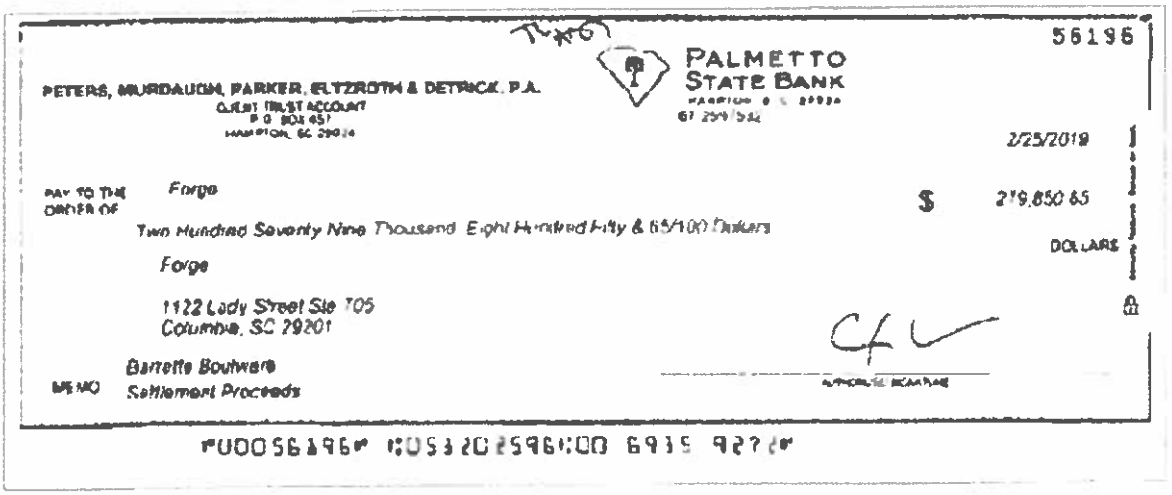
I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

R. Alexander Murdaugh

February _____, 2019



PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.
CLIENT TRUST ACCOUNT
P O BOX 457
HAMPTON, SC 29924

PALMETTO STATE BANK
HAMPTON, S C 29924
67-259/534

56196

2/25/2019

PAY TO THE ORDER OF Forge

$ 279,850 65

Two Hundred Seventy Nine Thousand Eight Hundred Fifty & 65/100 Dollars

DOLLARS

Forge

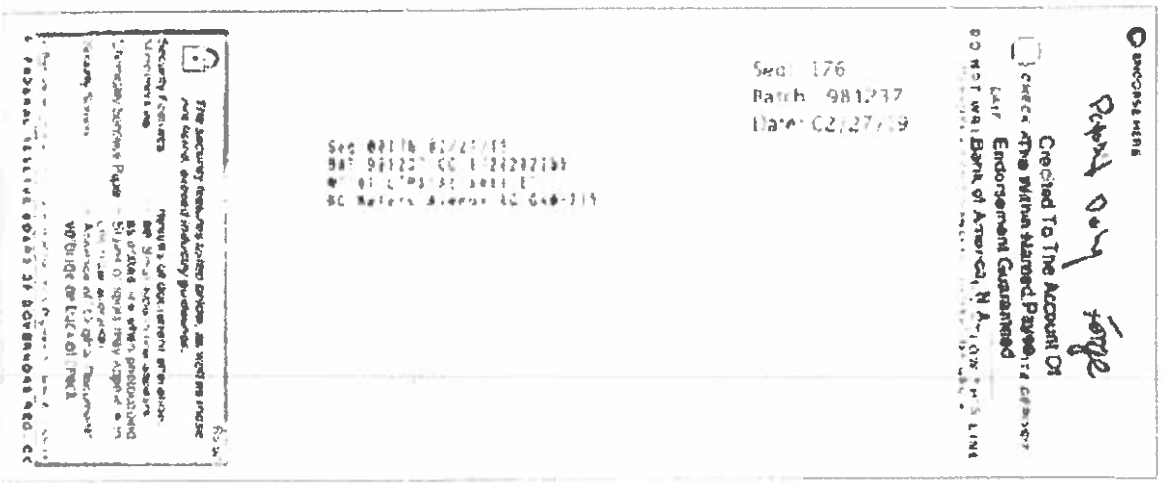
1122 Lady Street Ste 705
Columbia, SC 29201

MEMO Barrette Boulware
Settlement Proceeds

AUTHORIZED SIGNATURE

⑈00056196⑈ ⑆053202596⑆00 6935 9272⑈

56196 $279,850.65 2/28/2019

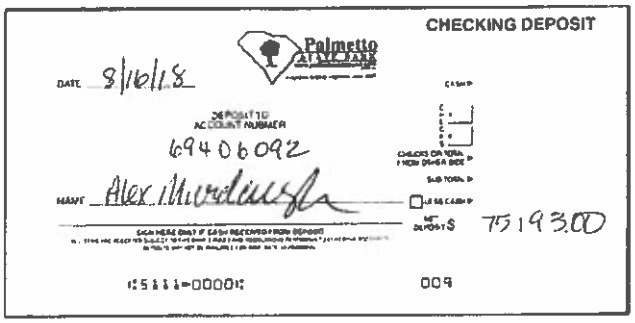


Seq: 176
Batch: 981237
Date: 02/27/19

Credited To The Account Of

Endorsement Guaranteed

56196 $279,850.65 2/28/2019


CHECKING DEPOSIT

Palmetto State Bank

DATE 8/16/18

DEPOSIT TO ACCOUNT NUMBER 69406092

NAME Alex Murdaugh

CASH

CHECKS OR DRAFTS FROM OTHER SIDE

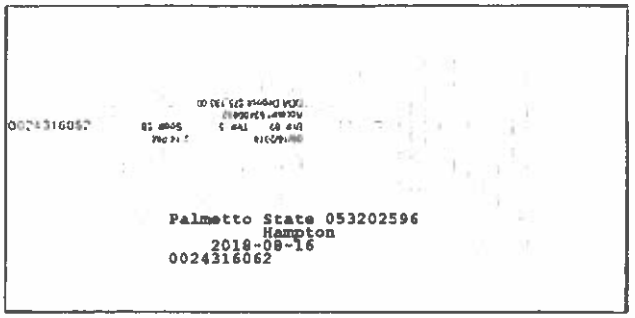
SUB TOTAL

LESS CASH

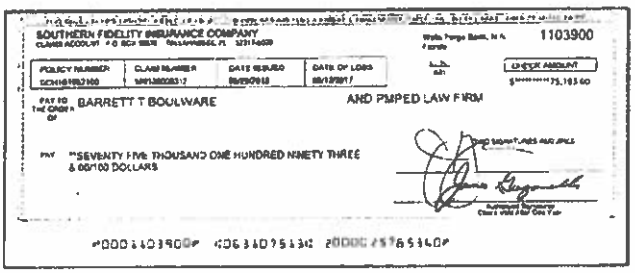
NET DEPOSIT $ 75193.00

⑆5111=0000⑆ 009

DDA Credits - 8/16/2018


Palmetto State 053202596
Hampton
2018-08-16
0024316062

DDA Credits - 8/16/2018


SOUTHERN FIDELITY INSURANCE COMPANY

Wells Fargo Bank, N.A. 1103900

POLICY NUMBER	CLAIM NUMBER	DATE ISSUED	DATE OF LOSS
SCH6198[illegible]	WH[illegible]17	08/[illegible]/2018	08/[illegible]/2017

CHECK AMOUNT $**********75,193.00

PAY TO THE ORDER OF BARRETT T BOULWARE AND PMPED LAW FIRM

PAY **SEVENTY FIVE THOUSAND ONE HUNDRED NINETY THREE & 00/100 DOLLARS

AUTHORIZED SIGNATURE

⑈1103900⑈ ⑆063107513⑆ 20000[illegible]5765314⑈

Transit - 8/16/2018

Palmetto State 053202596
Hampton
2018-08-16
0024316063

PETERS, MURDAUGH, PARKER, ELTZROTH, DETRICK, P.C.

Transit - 8/16/2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.:
	)	
BARRETT E. BOULWARE	)	
	)	**SECOND DISBURSEMENT SHEET**[1]
PLAINTIFF.	)	**MATTER ID: 015411-018914**
V.	)	
	)	
SOUTHERN FIDELITY INSURANCE COMPANY.	)	
	)	
DEFENDANTS.	)	
	)	

RECOVERY AMOUNT:

Southern Fidelity Insurance Company. *See* Exhibit A.	$280,500.00
Southern Fidelity Insurance Company. *See* Exhibit B.	$ 75,193.00
TOTAL	**$355,693.00**

ATTORNEYS COSTS & FEES:

PMPED – Fees	$ 0.00
PMPED – Advanced Costs Matter 015411-18914. *See* Exhibit C.	$ 649.35
PMPED – Advanced Costs Matter 015782-019411. *See* Exhibit D.	$ 252.35
PMPED – Advanced Costs Matter 5586-6314. *See* Exhibit E.	$ 25.00
PMPED – Advanced Costs Matter 008998-010619. *See* Exhibit F.	$ 431.82
TOTAL	**$ 1,358.52**

SETTLEMENT PROCEEDS TO CLIENT:

Final Disbursement to Client – October 28, 2021.	$ 354,334.48
TOTAL	**$ 354,334.48**

[1] There were two settlement checks from Southern Fidelity Insurance. Check 1112376 for claim 590100008312 in the amount of $280.500.00 was deposited into PMPED Trust account on February 2, 2019. *See* Exhibit A. A check for claim number 590100008312 in the amount of 75.193.00 was found in R. Alexander Murdaugh's ("RAM) office. This check was not deposited into PMPED's Trust account and it is unknown how it was negotiated. Upon inquiry, the client stated they never received the proceeds from this check. We believe RAM diverted these funds for his personal use. See Exhibit B. There was one previous disbursement in this matter. This disbursement occurred on February 25, 2019, issuing advanced costs and diverting the balance of $279,850.65 of Plaintiff's funds for his personal use. See Exhibit C. Upon learning of this improper handling of funds, PMPED took action and replaced said funds in the amount of the full recovery of $355,693.00, which were deposited into the trust account on September 13, 2021. This deposit included $649.35 of costs previously collected on the February 25, 2019 disbursement. *See* Exhibit G.

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 28th day of October 2021.

Attorney

Witness

~~Jarred~~ Jared Romero P.R. The Estate of Barry T Bulkley

State's Exhibit
318
2-7-23

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2012-CP-25-402
	)	
ANGEL Y. GARY AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF BLONDELL MARIE GARY,	)	**DISBURSEMENT SHEET**
v.	)	
LOWCOUNTRY MEDICAL TRANSPORT, INC., AMERICAN MEDICAL RESPONSE, INC., D/B/A, ACCESS2CARE, AND EUGENE A. KIRKLAND.	)	

RECOVERY AMOUNT	$670,869.39
PMPE&D EXPENSES:	$ 3,694.42
FORGE STRUCTURE:	$112,500.00
PERSONAL REPRESENTATIVE 5% ADMINISTRATION FEE (ANGEL GARY)	$ 33,543.46
REMAINING PROCEEDS SPLIT BETWEEN OTHER BENEFICIARIES:	$521,131.51
PROCEEDS TO BENEFICIARY TATANISHA G. WHITNER:	$130,282.88
PROCEEDS TO BENEFICIARY WADE D. MCKEITHEN:	$130,282.88
PROCEEDS TO BENEFICIARY THEODORE V. YOUNG:	$130,282.88
PROCEEDS TO BENEFICIARY ANGEL Y. GARY:	$130,282.87
TOTAL DISBURSEMENT	$670,869.39

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE. SIGNED THIS _____ DAY OF _____, 2019.

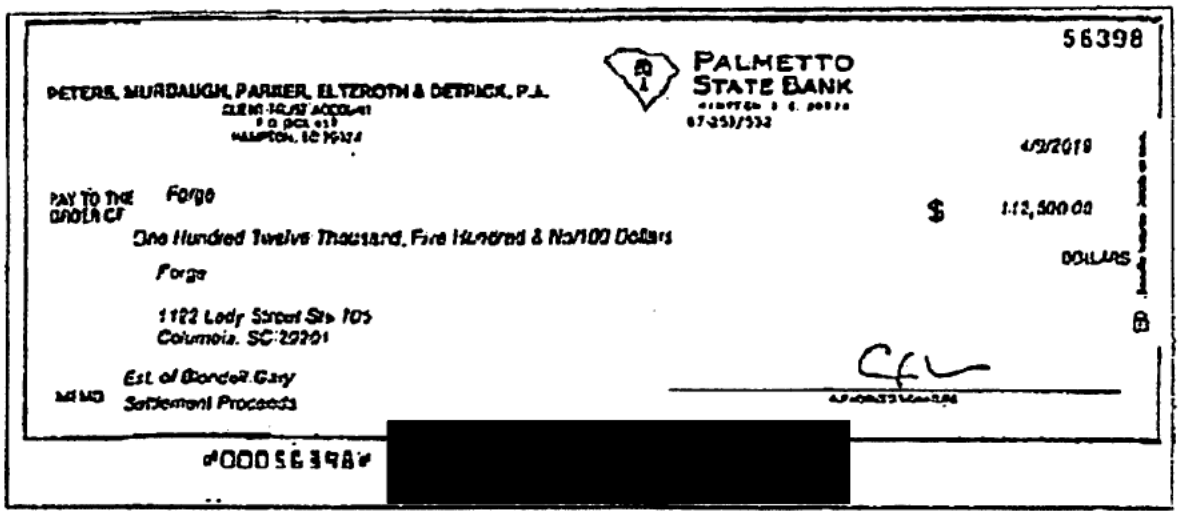
I approve:

R. Alexander Murdaugh, Attorney for Plaintiff

Angel Y. Gary, PR for the Estate of Blondell Gary

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

Per Wade McKeithen letter mailed from Detention Center & opened at PMPE&D as documented by video in the presence of Angel Y. Gary the proceeds for McKeithen are being paid to Angel Gary 4-23-19. Angel Gary



PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.
CLIENT TRUST ACCOUNT
P.O. BOX 457
HAMPTON, SC 29924

PALMETTO STATE BANK
HAMPTON, S. C. 29924
67-253/532

56398

4/12/2019

PAY TO THE ORDER OF Forge

$ 112,500.00

One Hundred Twelve Thousand, Five Hundred & No/100 Dollars

DOLLARS

Forge

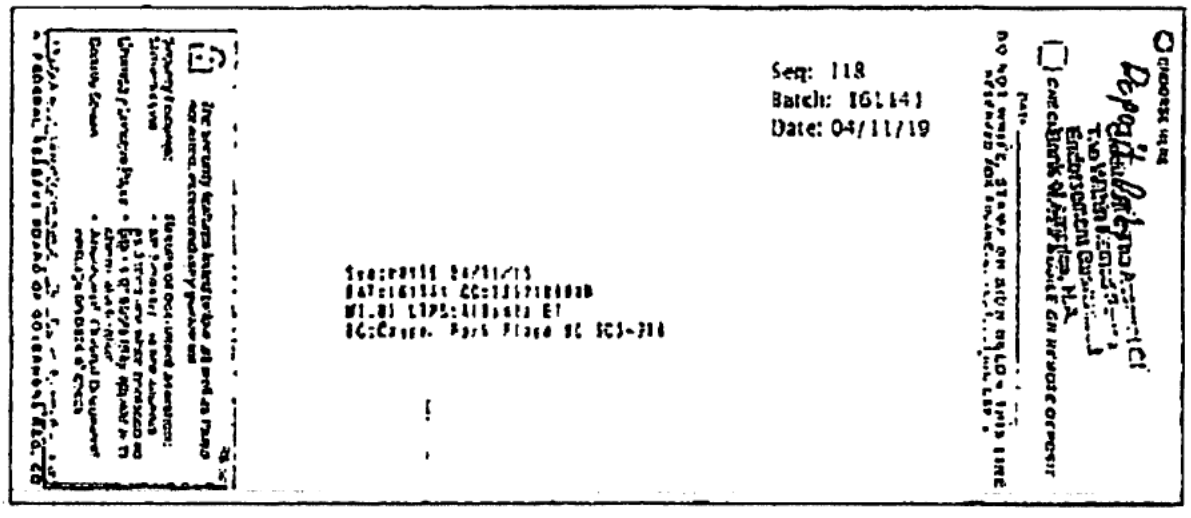
1122 Lady Street Ste 105
Columbia, SC 29201

MEMO Est. of Bonder Gary
Settlement Proceeds

⑈00056398⑈

[redacted]

56398 $112,500.00 4/12/2019



Seq: 118
Batch: 161141
Date: 04/11/19

56398 $112,500.00 4/12/2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2012-CP-25-402
	)	
ANGEL Y. GARY AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF BLONDELL MARIE GARY,	)	
	)	**DISBURSEMENT SHEET**
v.	)	**MATTER ID: 010237-012229**
	)	
LOWCOUNTRY MEDICAL TRANSPORT, INC., AMERICAN MEDICAL RESPONSE, INC., D/B/A, ACCESS2CARE, AND EUGENE A. KIRKLAND.	)	

RECOVERY AMOUNT:

Selective Insurance – MedPay (no fee)	$ 5,000.00
Sedgewick Claims	$1,000,000.00
Selective Insurance Company of SC	$1,250,000.00
TOTAL	**$2,255,000.00**

ATTORNEYS COSTS & FEES:

PMPED – Fees - 40% of $2,250,000.00.	$ 900,000.00
PMPED – Advanced Costs. See Exhibit A.	$ 17,124.29
PMPED – Advanced Costs. See Exhibit D.	$ 3,694.42
TOTAL	**$ 920,818.71**

LIENS:

Asset Acceptance LLC. See Exhibit B.	$ 1,136.94
TOTAL	**$ 1,136.94**

PERSONAL REPRESENTATIVE ADMINISTRATION FEE:

Disbursed on 4.9.19 to Angel Gary	$ 33,543.46
Final Disbursement on 10.__.21	$ 78,956.54
TOTAL	**$ 112,500.00**

There were two previous disbursements in this matter. The first occurred on 12.11.2015, issuing attorney fees, costs, satisfied Asset Acceptance lien, and distributing $665,869.38 evenly between 4 beneficiaries. *See* Exhibit A and B. Payments for Beneficiary, Angel Gary, were paid to Palmetto State Bank ("PSB") to satisfy 2 loans with the remaining balance paid to Angel Gary. *See* Exhibit C. The remaining funds totaling $665,869.39 were held in Trust. The second disbursement occurred on 04.09.2019, issuing additional attorney costs and PR fees. Additionally, R. Alexander Murdaugh ("RAM"), a former partner at the firm, diverted $112,500.00 of Plaintiff's funds for his personal use. *See* Exhibit E. Upon learning of this improper handling of funds, PMPED took action and replaced said funds, totaling $112,500.00, which were deposited into the trust on 9.27-.21. *See* Exhibit F. The remaining funds of $521,131.51 were distributed evenly between the 4 Beneficiaries.

SETTLEMENT PROCEEDS SPLIT BETWEEN BENEFICIARIES:

PROCEEDS TO TATANISHA G. WHITNER:	
Disbursement on 12.11.2015. See Exhibit A.	$ 166,467.35
Disbursement on 04.09.2019. See Exhibit D.	$ 130,282.88
Final Disbursement on 10.___.2021	$ 8,385.86
TOTAL	**$ 305,136.09**
PROCEEDS TO WADE D. MCKEITHEN:	
Disbursement on 12.11.2015. See Exhibit A.	$ 166,467.34
Disbursement on 04.09.2019 – paid to Angel Gary. See Exhibit D.	$ 130,282.88
Final Disbursement on 10.___.2021	$ 8,385.87
TOTAL	**$ 305,136.09**
PROCEEDS TO THEODORE V. YOUNG:	
Disbursement on 12.11.2015. See Exhibit A.	$ 166,467.34
Disbursement on 04.09.2019. See Exhibit D.	$ 130,282.88
Final Disbursement on 10.___.2021	$ 8,385.87
TOTAL	**$ 305,136.09**
PROCEEDS TO ANGEL GARY:	
Disbursed 12.11.15 Paid PSB Loans. See Exhibit A.	$ 4,366.79
Disbursement on 12.11.2015. See Exhibit A.	$ 162,100.56
Disbursement on 04.09.2019. See Exhibit D.	$ 130,282.87
Final Disbursement on 10.___.2021	$ 8,385.86
TOTAL	**$ 305,136.08**
TOTAL DISBURSEMENT TO BENEFICIARIES:	**$1,220,544.35**
TOTAL DISBURSEMENTS:	**$2,255,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this _____.

_____
Attorney

_____
Angel Y. Gary as PR of the Estate
Blondell Marie Gary

_____
Witness

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2012-CP-25-402
	)	
ANGEL Y. GARY AS PERSONAL REPRESENTATIVE FOR THE ESTATE OF BLONDELL MARIE GARY,	)	
	)	**DISBURSEMENT SHEET**
v.	)	
	)	
LOWCOUNTRY MEDICAL TRANSPORT, INC., AMERICAN MEDICAL RESPONSE, INC., D/B/A. ACCESS2CARE, AND EUGENE A. KIRKLAND.	)	

RECOVERY AMOUNT **$2,250,000.00**

American Medical Response, Inc.:	**$1,000,000.00**
Lowcountry Medical Transport & Eugene Kirkland:	**$1,250,000.00**

DISBURSEMENTS

PMPE&D ATTORNEY FEE:			**$ 900,000.00**
PMPE&D EXPENSES:			**$ 17,124.29**
ASSET ACCEPTANCE, LLC LIEN:			**$ 1,136.94**
PROCEEDS TO BENEFICIARIES:			**$1,331,738.77**
½ PROCEEDS TO BE HELD IN TRUST PENDING COURT'S DETERMINATION AS TO WHETHER CHARLES J. GARY IS A LAWFUL BENEFICIARY:			**$ 665,869.39**
½ PROCEEDS SPLIT BETWEEN OTHER BENEFICIARIES:			**$ 665,869.38**
PROCEEDS TO BENEFICIARY TATANISHA G. WHITNER:			**$ 166,467.35**
PROCEEDS TO BENEFICIARY WADE D. MCKEITHEN:			**$ 166,467.34**
PROCEEDS TO BENEFICIARY THEODORE V. YOUNG:			**$ 166,467.34**
PROCEEDS TO BENEFICIARY ANGEL Y. GARY:		**$ 166,467.35**	
LESS TOTAL LOANS:		**$ 4,366.79**	
PSB LOAN NUMBER 6984938:	$1,229.56		
PSB LOAN NUMBER: 6988077:	$3,137.23		
TOTAL DISBURSEMENT TO ANGEL Y. GARY:			**$ 162,100.56**
TOTAL DISBURSEMENT			**$2,250,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND OR LIENS NOT DEDUCTED ABOVE. SIGNED THIS 11th DAY OF December, 2015.

I approve:

R. Alexander Murdaugh, Attorney for Plaintiff

Angel Y. Gary, PR for the Estate of Blondell Gary

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not

State's Exhibit
MW
319
2-7-23
exhibitindexxis.com #516

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2018-CP-25-00285
CHRISTOPHER ANDERSON,	)	
Plaintiff,	)	**SETTLEMENT DISBURSEMENT OF FUNDS TO FORGE**
V.	)	**Matter ID #: 013435-016396**
LIGHTNING TRANSPORTATION, INC. AND MYRON D. DOCTOR,	)	
Defendants.	)	

RECOVERY FROM LEXINGTON INSURANCE COMPANY: **$750,000.00**

DISBURSEMENTS:

SETTLEMENT PROCEEDS TO FORGE: **$750,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 2/20/20.

Attorney

2317

PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.
CLIENT TRUST ACCOUNT
P O BOX 457
HAMPTON, SC 29924

PALMETTO STATE BANK
HAMPTON, S. C. 29924
67-259/532

2/20/2020

PAY TO THE ORDER OF Forge

$ 750,000.00

Seven Hundred Fifty Thousand & No/100 Dollars

DOLLARS

Forge
1122 Lady Street Ste 705
Columbia, SC 29201

MEMO Christopher Anderson
Settlement Proceeds

AUTHORIZED SIGNATURE

⑈0000 2317⑈ [redacted]

ENDORSE HERE

CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT

DATE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

Seq: 22
Batch: 047207
Date: 02/27/20

Security Features:

The security features listed can be used to verify the authenticity of this check, but are not listed, except in specimens.

RS-77

Seq:
BAT:
WT:0
BC:J

022 02/27/20
007 CC:0057448700
FPS:Atlanta ET
Ribaut Square BC SC1-312

FEDERAL RESERVE BOARD OF GOVERNORS FIG CC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2018-CP-25-00285
	)	
CHRISTOPHER ANDERSON,	)	
	)	**SIXTH DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 013435-016396**
V.	)	
	)	
LIGHTNING TRANSPORTATION, INC. AND MYRON D. DOCTOR,	)	
	)	
DEFENDANTS.	)	

RECOVERY AMOUNT:

Protective Insurance Company	$ 995,606.50
JP Morgan Chase	$ 750,000.00
TOTAL	**$1,745,606.50**

ATTORNEYS COSTS & FEES:

PMPED – Fees Protective Ins. Co. 40%	$ 398,242.60
PMPED – Fees JP Morgan Chase 40%	$ 300,000.00
PMPED – Advanced Costs	$ 4,620.44
TOTAL	**$ 702,863.04**

[1] There were five previous disbursements in this matter. The first occurred on December 24, 2019, issuing an advance to Plaintiff and attorney fees on the Protective Insurance Company Recovery with the balance held in Trust. *See* Exhibit A. The second disbursement occurred on January 28, 2020, issuing attorneys costs, satisfying liens for Palmetto Primary Care and Ridgeland Physical Therapy and withholding $103,000.00 in trust for liens. *See* Exhibit B,C, and D. The third disbursement occurred on January 30 2021 and satisfied the lien for Charles Nivens and withheld $82,316.00 in trust for liens. *See* Exhibit E. The fourth disbursement occurred on July 20, 2020 and satisfied liens for BCBS of SC and Wakefield & Associates with the balance disbursed to the Plaintiff. *See* Exhibit F, G, and H. The fifth disbursement occurred on February 20, 2020, wherein R. Alexander Murdaugh "RAM", a former partner at this firm, diverted the entire recovery of $750,000 from J.P. Morgan Chase for his personal use. *See* Exhibit I. Upon learning of this improper handling of funds, PMPED took action and replaced said funds, totaling $750,000, which were deposited into the trust account on September 13, 2021. *See* Exhibit J.

LIENS:	
Palmetto Primary Care. See Exhibit D.	$ 1,597.43
Ridgeland Physical Therapy See Exhibit C.	$ 277.80
Charles Nivens, MD, PA See Exhibit E.	$ 20,684.00
Coastal Carolina Medical Center	$ 0.00
BlueCross Blue Shield of SC	
• Reduced from 29,522.87. See Exhibit H.	$ 19,691.76
Wakefield & Associates – Rocky Mountain Holdings	
• reduced from $58,367.43. See Exhibit G.	$ 35,000.00
TOTAL	**$ 77,250.99**

SETTLEMENT PROCEEDS TO CLIENT:	
Disbursement - December 24, 209. *See* Exhibit A.	$ 10,000.00
Disbursement – January 28, 2020. *See* Exhibit B.	$ 477,868.23
Disbursement – July 20, 2020. *See* Exhibit F.	$ 27,624.24
Final Disbursement to Client – Oct ___, 2021.	$ 450,000.00
TOTAL	**$ 965,492.47**

FUNDS DISBURSED: $ 1,745,606.50

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this ___ day of October 2021.

11/4/21
Attorney

Christopher Anderson

Witness

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2018-CP-25-00285
CHRISTOPHER ANDERSON.	)	
Plaintiff.	)	**PARTIAL DISBURSEMENT OF FUNDS IN TRUST AND ATTORNEY FEE**
V.	)	**Matter ID #: 013435-016396**
LIGHTNING TRANSPORTATION, INC. AND MYRON D. DOCTOR.	)	
Defendants.	)	

PARTIAL DISBURSEMENT OF FUNDS IN TRUST:	**$995,606.50**
PMPE&D ATTORNEY'S FEE:	**$398,242.60**
PROCEEDS TO CHRISTOPHER ANDERSON:	**$ 10,000.00**
FUNDS HELD IN TRUST:	**$587,363.90**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 12/24/19.

Attorney Annette Gilliard Signed per RAM By phone

Christopher Anderson

Witness

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2018-CP-25-00285
CHRISTOPHER ANDERSON,	)	
Plaintiff,	)	**SECOND PARTIAL DISBURSEMENT OF FUNDS HELD IN TRUST FROM PROTECTIVE INSURANCE COMPANY**
V.	)	**Matter ID #: 013435-016396**
LIGHTNING TRANSPORTATION, INC. AND MYRON D. DOCTOR,	)	
Defendants.	)	

FUNDS HELD IN TRUST FROM $995,606.50 RECOVERY FROM PROTECTIVE INSURANCE CO:		**$587,363.90**
DISBURSEMENTS:		
PMPE&D TOTAL EXPENSES:		**$ 4,620.44**
MEDICAL FACILITY PAYMENTS:		**$ 1,875.23**
Palmetto Primary Care Physicians:	**$ 1,597.43**	
Ridgeland Physical Therapy:	**$ 277.80**	
FUNDS HELD IN TRUST PENDING BALANCES & NEGOTIATIONS:		**$103,000.00**
Charles J. Nivens, MD, PA:	**$22,000.00**	
BlueCross BlueShield of SC:	**$30,000.00**	
Wakefield & Associates (Rocky Mtn Holdings):	**$50,000.00**	
Coastal Carolina Medical Center:	**$ 1,000.00**	
SETTLEMENT PROCEEDS TO CHRISTOPHER ANDERSON:		**$477,868.23**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 1/28/20.

Attorney Christopher Anderson Witness

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2018-CP-25-00285
CHRISTOPHER ANDERSON,	)	
Plaintiff,	)	**THIRD & FINAL DISBURSEMENT OF FUNDS HELD IN TRUST**
V.	)	**Matter ID #: 013435-016396**
LIGHTNING TRANSPORTATION, INC. AND MYRON D. DOCTOR,	)	
Defendants.	)	

FUNDS HELD IN TRUST:		**$82,316.00**
DISBURSEMENTS:		
TOTAL LIENS:		**$54,691.76**
Coastal Carolina Medical Center		
Paid in Full:	**$0.00**	
BlueCross BlueShield of SC		
Reduced from $29,522.87:	**$19,691.76**	
Wakefield & Associates - Rocky Mtn Holdings		
Reduced from $58,367.43:	**$35,000.00**	
***BCBS of SC Reimbursed Client Directly: $28,525.79**		
SETTLEMENT PROCEEDS TO CHRISTOPHER ANDERSON:		**$27,624.24**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 01,2020

Attorney

Christopher Anderson

Witness

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	CIVIL ACTION NO.: 2018-CP-25-00285
CHRISTOPHER ANDERSON,	
Plaintiff,	**THIRD PARTIAL DISBURSEMENT OF FUNDS HELD IN TRUST FROM PROTECTIVE INSURANCE COMPANY**
V.	**Matter ID #: 013435-016396**
LIGHTNING TRANSPORTATION, INC. AND MYRON D. DOCTOR,	
Defendants.	

FUNDS HELD IN TRUST FROM $995,606.50 RECOVERY FROM PROTECTIVE INSURANCE CO: **$103,000.00**

DISBURSEMENTS:

MEDICAL FACILITY PAYMENT: **$ 20,684.00**
Charles J. Nivens, MD, PA: $20,684.00

FUNDS HELD IN TRUST: **$ 82,316.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues - Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 1/30/20

Attorney Christopher Anderson Witness

State's Exhibit
320
2-7-23

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2013-CP-03-113
	)	
Deon J. Martin.	)	
	)	
Plaintiff,	)	
	)	**SETTLEMENT**
v.	)	**DISBURSEMENT SHEET**
	)	
Ted Kinard,	)	
	)	
Defendant.	)	

RECOVERY AMOUNT		**$2,000,000.00**
Nationwide Mutual Insurance Co. Extra Contractual:	**$1,475,000.00**	
Nationwide Insurance Liability Limits:	**$ 25,000.00**	
Structured for Annuity Directly to Michael Gunn:	**$ 500,000.00**	
DISBURSEMENTS:		
PMPE&D ATTORNEY'S FEES:		**$ 800,000.00**
PMPE&D EXPENSES:		**$ 54,687.25**
LIEN TO BAKARI SELLERS:		**$ 17,500.00**
SETTLEMENT PROCEEDS STRUCTURED - ANNUITY:		**$ 500,000.00**
SETTLEMENT PROCEEDS STRUCTURED TO BANK OF AMERICA:		**$ 100,000.00**
SETTLEMENT PROCEEDS HELD IN TRUST PENDING LIENS:		**$ 337,811.82**
SETTLEMENT PROCEEDS TO DEON J. MARTIN:		**$ 190,000.93**
TOTAL DISBURSEMENTS		**$2,000,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 8-20-15.

R. Alexander Murdaugh, Esquire
Client Attorney

Deon J. Martin
Client

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2013-CP-03-113
	)	
Deon J. Martin,	)	
	)	
Plaintiff,	)	**DISBURSEMENT OF MEDICAL BILLING AND LIENS AND FUNDS HELD IN TRUST**
	)	
v.	)	
	)	
Ted Kinard,	)	
	)	
Defendant.	)	

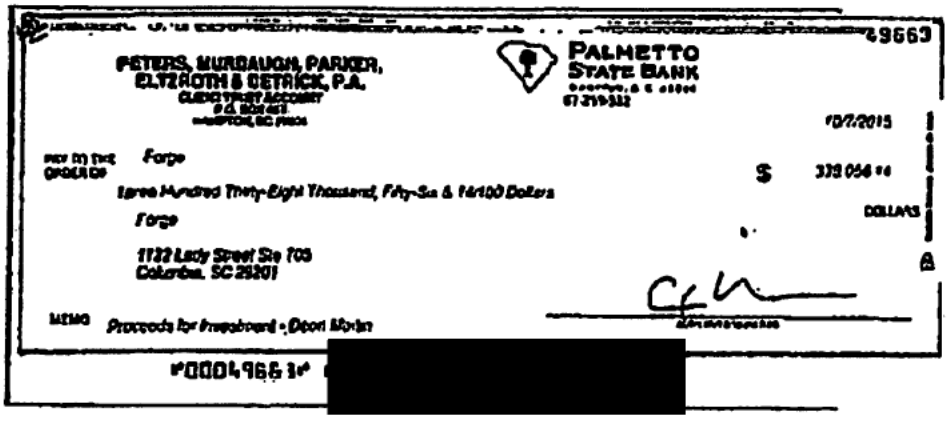
FUNDS IN TRUST:		**$437,811.82**
LESS PMPE&D EXPENSES:		**$ 650.00**
LESS MEDICAL BILLING BALANCES:		**$ 15,824.29**
Palmetto Primary Care Physicians, LLC	$ 2,000.00	
Charles J. Nivens, MD	$ 8,103.00	
Palmetto Health Baptist	$ 2,882.00	
Allendale County Rescue Squad	$ 81.90	
Amedisys HH of Walterboro	$ 1,096.00	
Nationwide Recovery (Physicians Practice Group)	$ 1,661.39	
LESS LIENS:		**$ 34,577.88**
Blue Cross Blue Shield of South Carolina	$ 34,577.88	
HOLD IN TRUST PENDING PAYMENT OF THE FOLLOWING:		**$ 48,703.51**
Med-Trans Corporation	$ 23,106.42	
MCG Collections Bill	$ 25,597.09	
DISBURSEMENT TO FORGE:		**$338,056.14**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND LIENS LISTED ABOVE. I UNDERSTAND THAT PMPED LAW FIRM WILL CONTINUE TO WORK WITH MED-TRANS AND MCG TO TRY TO FURTHER REDUCE THE AMOUNTS DUE. UNTIL THAT TIME, THE FUNDS WILL BE HELD IN TRUST.

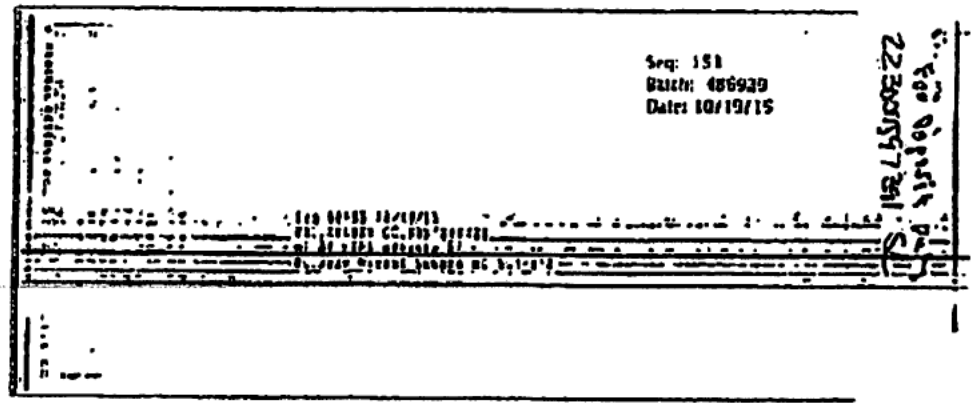
R. Alexander Murdaugh, Esquire
Client Attorney

Deon J. Martin
Client

10-6-15
Date



49663 $338,056.14 10/20/2015 4966



3 $338,056.14 10/20/2015

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2013-CP-03-113
	)	
DEON J. MARTIN,	)	
	)	
Plaintiff,	)	
	)	**FINAL DISBURSEMENT SHEET**
v.	)	**FUNDS IN TRUST**
	)	**MATTER ID# 010867-013039**
TED KINARD,	)	
	)	
Defendant.	)	

FUNDS HELD IN TRUST:	**$47,895.08**
DISBURSEMENTS:	
~~**FULL & FINAL DISBURSEMENT**~~ STRUCTURE **TO FORGE:**	**$45,000.00**
FULL & FINAL DISBURSEMENT TO DEON MARTIN:	**$ 2,895.08**
BALANCE FUNDS IN TRUST:	**$ -0-**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 10-18-2016

R. Alexander Murdaugh, Esquire
Client Attorney

Deon Martin
Client

Witness

3350 riverwood parkway suite GL28 atlanta ga 30339
p 866-68-FORGE f 706-856-2537 forgeconsulting com

FORGE
CONSULTING LLC

Settlement Proposal

Deon
~~Deion~~ Martin

Verified Date of Birth [redacted]

Option 1

TOTAL PERIODIC PAYMENTS BENEFITS AND COST:

Projected Income Benefits:		**$64,879.83**
Premium:	**$45,000.00**	

Section 1 Summary

Periodic Lump Sum Payments
Guaranteed Payments totalling $64,879 83 payable as follows

Date Payable	Amount
February 8 2022	$15,000 00
February 8 2032	$20,000 00
February 8, 2042	$29,879 83

Section 2: Structured Lump Sum Payments	**Premium**	**Projected Income Benefits**
Approximate Tax-Excludable Future Income: $64,879.83		
Approximate Annual Taxable Income: $0.00	$45,000.00	$64,879 83
Exclusion Ratio: 100.00%		

Quoted with MetLife Insurance Company USA Rated A (Excellent) FSC XI by A M Best effective as of 8/14/13 For the latest rating access www ambest com

Based on a funding date of 12/01/2016

Death Benefit Remaining Guaranteed Payments

Forge Consulting does not provide legal or tax advice. Pursuant to Circular 230, any comment or opinion in this communication relating to a federal tax issue is not intended to be used, and cannot be used, by a taxpayer for the purpose of avoiding tax-related penalties that may be imposed on the taxpayer.

FORGE
CONSULTING LLC

3350 riverwood parkway suite GL28 atlanta, ga 30339
p 866-69-FORGE f 706-856-2537 forgeconsulting.com

Future Guaranteed Payment Schedule

Deon
~~Deien~~ Martin

End of Contract Year	Client Age	Regular Annuity	Lump Sums	Total Annual
2016	24	$0.00	$0.00	$0.00
2017	25	$0.00	$0.00	$0.00
2018	26	$0.00	$0.00	$0.00
2019	27	$0.00	$0.00	$0.00
2020	28	$0.00	$0.00	$0.00
2021	29	$0.00	$0.00	$0.00
2022	30	$0.00	$15,000.00	$15,000.00
2023	31	$0.00	$0.00	$0.00
2024	32	$0.00	$0.00	$0.00
2025	33	$0.00	$0.00	$0.00
2026	34	$0.00	$0.00	$0.00
2027	35	$0.00	$0.00	$0.00
2028	36	$0.00	$0.00	$0.00
2029	37	$0.00	$0.00	$0.00
2030	38	$0.00	$0.00	$0.00
2031	39	$0.00	$0.00	$0.00
2032	40	$0.00	$20,000.00	$20,000.00
2033	41	$0.00	$0.00	$0.00
2034	42	$0.00	$0.00	$0.00
2035	43	$0.00	$0.00	$0.00
2036	44	$0.00	$0.00	$0.00
2037	45	$0.00	$0.00	$0.00
2038	46	$0.00	$0.00	$0.00
2039	47	$0.00	$0.00	$0.00
2040	48	$0.00	$0.00	$0.00
2041	49	$0.00	$0.00	$0.00
2042	50	$0.00	$29,879.83	$29,879.83
2043	51	$0.00	$0.00	$0.00
2044	52	$0.00	$0.00	$0.00
2045	53	$0.00	$0.00	$0.00
2046	54	$0.00	$0.00	$0.00
2047	55	$0.00	$0.00	$0.00
2048	56	$0.00	$0.00	$0.00
2049	57	$0.00	$0.00	$0.00
2050	58	$0.00	$0.00	$0.00
2051	59	$0.00	$0.00	$0.00
2052	60	$0.00	$0.00	$0.00
2053	61	$0.00	$0.00	$0.00
2054	62	$0.00	$0.00	$0.00
2055	63	$0.00	$0.00	$0.00
2056	64	$0.00	$0.00	$0.00
2057	65	$0.00	$0.00	$0.00
	TOTALS:	$0.00	$64,879.83	$64,879.83

Payments are guaranteed by the assignment company named in the settlement agreement.

Forge Consulting does not provide legal or tax advice. Pursuant to Circular 230, any comment or opinion in this communication relating to a federal tax issue is not intended to be used, and cannot be used, by a taxpayer for the purpose of avoiding tax-related penalties that may be imposed on the taxpayer.

RoA_7626

3350 riverwood parkway suite GL28 atlanta, ga 30339
p 866-68-FORGE f 706-856 2537 forgeconsulting.com

FORGE
CONSULTING LLC

DISCLOSURES

- Projected Income Benefits are calculated on normal life expectancy or on term of coverage, whichever is applicable Normal Life Expectancy based upon Arias E US Life Tables, 2006 National Vital Statistics Reports vol 58 no 21 Hyattsville MD, published by National Center for Health Statistics 2010

- A Structured Settlement is created through an agreement between a plaintiff and a defendant whereby all or a portion of a settlement is paid to the plaintiff in the form of periodic payments rather than in one lump sum

- A Structured Settlement is a series of periodic payments that requires funding directly from the Defendant or Insurer in settlement of a personal injury or wrongful death claim in accordance with IRC 104(a) and IRC 130(c). In order to establish a Structured Settlement contract specific language is required in the documents related to the settlement and varies by carrier

- All "guaranteed" payments from any contract are based on and subject to the claims-paying ability of the life company whose rates are summarized

- This summary is intended to show you how the contract might function based on the current interest rates, tax rate and premium payment assumptions provided Due to your individual circumstances, your contract, upon issue, may differ from this summary. The payment amount could differ from the summarized amount if the premium amount, purchase date, or payment start date differ. Benefits are subject to the terms and conditions of the contract Cost as summarized includes any fees charged by the contract Issuer or the Assignment Company

- This summary is not the actual contract you will receive, nor is it part of the contract. This summary is based on the assumption that the date of birth and state of residency summarized are correct Forge Consulting reserves the right to correct clerical errors

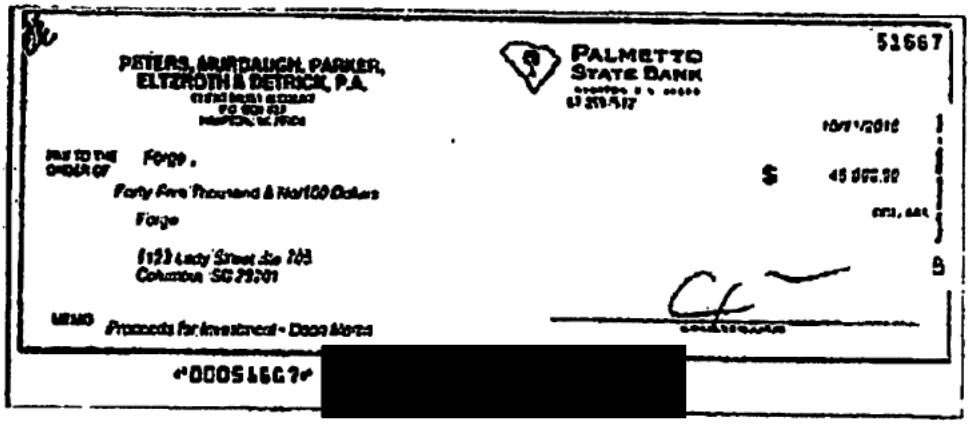
Proposal prepared on 10/06/2016. This proposal is only valid for summary purposes and may not reflect the final plan or best available rates This proposal is not binding on the insurer of any contract here summarized

I have reviewed and approve this proposal and all included information and disclosures. Only by signing and returning this document to Forge Consulting, LLC, may this summarized proposal option be available

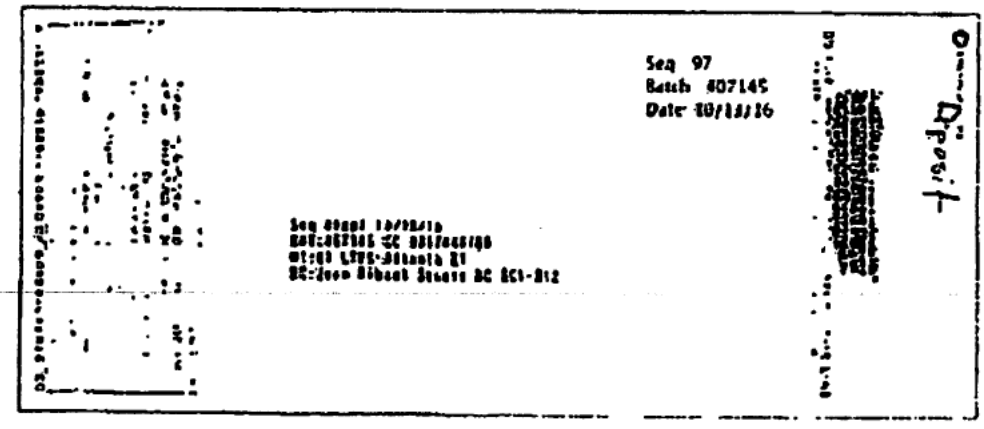
By ~~Deion~~ Martin
Deon

10-13-16
Date

Forge Consulting does not provide legal or tax advice. Pursuant to Circular 230, any comment or opinion in this communication relating to a federal tax issue is not intended to be used, and cannot be used, by a taxpayer for the purpose of avoiding tax-related penalties that may be imposed on the taxpayer



51667 $45,000.00 10/14/2016



51667 $45,000.00 10/14/2016

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2013-CP-03-00113
	)	
DEON J. MARTIN,	)	
	)	**SEVENTH DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 010867-013039**
V.	)	
	)	
TED KINARD,	)	
	)	
DEFENDANTS.	)	
	)	

RECOVERY AMOUNT: $1,700,000.00

Nationwide Insurance – Liability Limits (Claim No.: 6139K8846851109201201)	$ 25,000.00
Nationwide Mutual Insurance Co. (Punitives per Release)	$1,475,000.00
State Farm Mutual Automobile Insurance Company – UIM	
(Claim No.: 40-218P-262)	$ 50,000.00
(Claim No.: 40-6G14-707)	$ 50,000.00
(Claim No.: 40-6G14-927)	$ 50,000.00
(Claim No.: 40-6G15-207)	$ 50,000.00
TOTAL RECOVERY:	**$1,700,000.00**

[1] There were six previous disbursements in this matter. The first occurred on August 20, 2015, wherein R. Alexander Murdaugh ("RAM"), a former partner at this firm, represented to Plaintiff that $500,000.00 was recovered (bringing the combined recovery to $2,000,000.00) and represented the $500,000.00 was being sent to Michael Gunn of Forge Consulting for a structured annuity, when in fact only $1,700,000.00 was recovered in total and none was sent to Michael Gunn and/or Forge Consulting. *See* Exhibit A. Dr. In that same disbursement, PMPED collected $800,000.00 in attorneys fees and its advanced costs, as well as satisfied Plaintiff's $17,500.00 lien, held some monies in trust and issued Plaintiff $190,000.93 in settlement funds. *See* Exhibit A. The second disbursement occurred on October 6, 2015, satisfying several of Plaintiff's medical bills and a BCBS lien. *See* Exhibit B. The second disbursement also represents where RAM, diverted $338,056.14 of Plaintiff's funds for his personal use. *See* Exhibit B. The third disbursement occurred on March 22, 2016, wherein Plaintiff's bill with MCG Health was satisfied. *See* Exhibit C. The fourth disbursement occurred on April 18, 2016, wherein Plaintiff's second bill with MCG Health was satisfied. *See* Exhibit D. The fifth disbursement occurred on October 18, 2016, wherein $2,895.08 was issued to Plaintiff as settlement funds and $45,000.00 of Plaintiff's funds was diverted by RAM for his personal use. *See* Exhibit E. A sixth disbursement was completed on October 23, 2015, wherein RAM disbursed the UIM funds collected. *See* Exhibit F. Upon learning of RAM's improper handling of funds, PMPED took action and replaced said funds, totaling $583,056.14, which were deposited into the trust account on September 30, 2021 and November 12, 2021. *See* Exhibit G. Advanced costs totaling $17,500 were collected for payments to Dr. Louis Vega. We believe these payments may be fraudulent and are refunding the client. Funds were replenished on November 23, 2021. *See* Ehibit H.

D.M
JS

ATTORNEYS COSTS & FEES:	
PMPED – Fees (40%)	$ 680,000.00
PMPED – Advanced Costs	
Disbursement – August 20, 2015. *See* Exhibit A.	$ 54,687.25
Disbursement – October 6, 2015. *See* Exhibit B.	$ 650.00
Less: Payments to Louis Vega, M.D.	$(17,500.00) AM
TOTAL	**$ 717,837.25**
MEDICAL EXPENSES:	
Palmetto Primary Care Physicians, LLC. *See* Exhibit B.	$ 2,000.00
Charles J. Nivens, MD. *See* Exhibit B.	$ 8,103.00
Palmetto Health Baptist. *See* Exhibit B.	$ 2,882.00
Allendale County Rescue Squad. *See* Exhibit B.	$ 81.90
Amedisys HH of Walterboro. *See* Exhibit B.	$ 1,096.00
Nationwide Recovery (Physicians Practice Group). *See* Exhibit B.	$ 1,661.39
MCG Health, Inc. d/b/a GRHealth/Capio Partners. *See* Exhibit C.	$ 730.66
MCG Health, Inc. d/b/a GRHealth/Capio Partners. *See* Exhibit D.	$ 77.77
TOTAL	**$ 16,632.72**
LIENS:	
Strom Law Office, LLC. *See* Exhibit A.	$ 17,500.00
Blue Cross Blue Shield of South Carolina (ID No.: ZCS58328400). *See* Exhibit B.	$ 34,577.88
TOTAL	**$ 52,077.88**
SETTLEMENT PROCEEDS TO CLIENT:	
Disbursement – August 20, 2015. *See* Exhibit A.	$ 190,000.93
Disbursement – October 18, 2016. *See* Exhibit E.	$ 2,895.08
Disbursement – October 23, 2015. *See* Exhibit F.	$ 120,000.00
Final Disbursement to Client – NOV 24, 2021	$ 600,556.14
• $120,000.00 owed to client from overpaying attorneys fees in Exhibit A.	
• $17,500.00 for advanced costs Luis Vega, MD. *See* Exhibit H..	
• $338,056.14 owed to client due to diverted funds in Exhibit B.	
• $45,000.00 owed to client due to diverted funds in Exhibit E.	
• $80,000.00 owed to client from overpaying attorneys fees in Exhibit F.	
TOTAL	**$ 913,452.15**

FUNDS DISBURSED: $1,700,000.00

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE, INCLUDING ANY IN THE CHART BELOW:

2 D.M JS

OUTSTANDING MEDICAL BILL	
Med-Trans Corporation	$23,106.42

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 24 day of Nov 2021.

11/24/21

Attorney

Deon Martin

Witness

3 D.M

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2013-CP-03-113
	)	
Deon J. Martin,	)	
	)	
Plaintiff,	)	
	)	**DISBURSEMENT SHEET**
v.	)	**FUNDS IN TRUST**
	)	
Ted Kinard,	)	
	)	
Defendant.	)	

FUNDS HELD IN TRUST: **$48,703.51**

DISBURSEMENTS:

MCG HEALTH INC. d/b/a GRHEALTH/CAPIO PARTNERS: **$ 730.66**

BALANCE FUNDS HELD IN TRUST: **$47,972.85**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 3/22/16.

R. Alexander Murdaugh, Esquire
Client Attorney

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF ALLENDALE	CIVIL ACTION NO.: 2013-CP-03-113
Deon J. Martin,	
Plaintiff,	**DISBURSEMENT SHEET FUNDS IN TRUST**
v.	
Ted Kinard,	
Defendant.	

FUNDS HELD IN TRUST:	**$47,972.85**
DISBURSEMENTS:	
MCG HEALTH INC. d/b/a GRHEALTH/CAPIO PARTNERS:	**$ 77.77**
BALANCE FUNDS HELD IN TRUST:	**$47,895.08**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 4-18-16

R. Alexander Murdaugh, Esquire
Client Attorney

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF ALLENDALE	)	CIVIL ACTION NO.: 2013-CP-03-113
	)	
Deon J. Martin,	)	
	)	
Plaintiff,	)	
	)	**DISBURSEMENT SHEET**
v.	)	**UNDERINSURED MOTORIST CARRIER**
	)	
Ted Kinard,	)	
	)	
Defendant.	)	

RECOVERY AMOUNT **$200,000.00**

State Farm Mutual Automobile Insurance Company – Claim #40-6G15-207: $50,000.00
State Farm Mutual Automobile Insurance Company – Claim #40-6G14-707: $50,000.00
State Farm Mutual Automobile Insurance Company – Claim #40-6G14-927: $50,000.00
State Farm Mutual Automobile Insurance Company – Claim #40-218P-262: $50,000.00

DISBURSEMENTS:

PMPE&D ATTORNEY'S FEES: **$ 80,000.00**

SETTLEMENT PROCEEDS TO DEON J. MARTIN: **$120,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 10/23/15

R. Alexander Murdaugh, Esquire
Client Attorney

Deon J. Martin
Client

State's Exhibit
MW
321
2-7-23

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.:
	)	
JAMIAN RISHER,	)	
	)	
PLAINTIFF,	)	**DISBURSEMENT SHEET**
	)	**MATTER #4846-5417**
v.	)	
	)	
GENERAL MOTORS CORPORATION.	)	
	)	
DEFENDANT.	)	

Amount held in trust per 4/10/15 disbursement		**$102,131.49**
Forge	**$90,000.00**	
Full/final proceeds of disbursement to Jamian Risher	**$12,131.49**	
TOTAL DISBURSEMENT		**$102,131.49**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

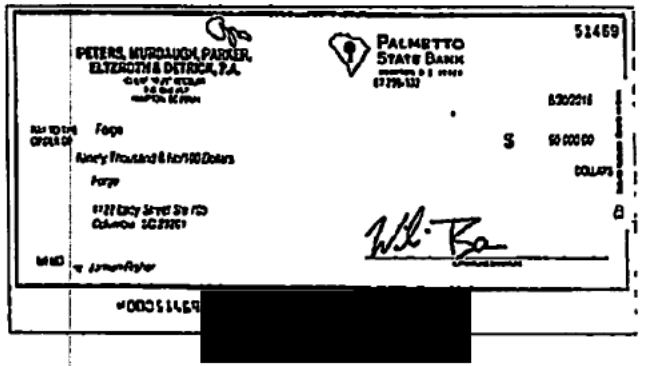
I approve:

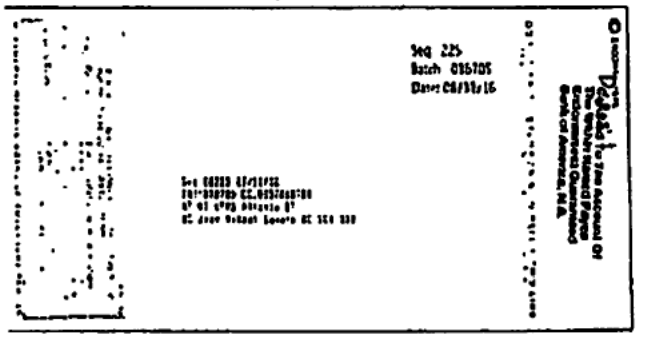
R. Alexander Murdaugh

August _____, 2016

Jamian Risher

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.





51469 $90,000.00 9/1/2016

51469 $90,000.00 9/1/2016

January 18, 2019

Michael Gunn
Forge
1122 Lady Street
Columbia, SC 29201

Re: Jamian Risher

Dear Mr. Gunn:

Per Alex, please find enclosed our firms check regarding Jamian Risher.

With kind regards, I am

Sincerely,

Kristi H. Jarrell

Kristi H. Jarrell, Legal Secretary
R. Alexander Murdaugh

/khj
Enclosure

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2008-CP-25-20
	)	
JAMIAN RISHER,	)	
	)	
PLAINTIFF,	)	**DISBURSEMENT SHEET OF FUNDS HELD IN TRUST**
	)	**MATTER #4846-5417**
v.	)	
	)	
GENERAL MOTORS CORPORATION,	)	
	)	
DEFENDANT.	)	

FUNDS HELD IN TRUST: $12,131.49

DISBURSEMENTS

LESS PMPED'S EXPENSES ON FILE: $ 5,541.17

FULL/FINAL SETTLEMENT PROCEEDS TO JAMIAN RISHER: $ 6,590.32

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 11-8-19.

Attorney

Jamian Risher

Witness

Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A.

PMPED WIP Report

4846-5417 Jamian A. Risher v. General Motors

11/6/2019 9:47:20 AM

Date	Check Number	Description	Description	Amount
03/06/2015	111712	Cost paid to Megan Croft Jarrell Reimburse travel 3/4/15 - Walterboro Office - 63 miles	Travel -Hampton	36.23
08/14/2019	139360	Cost paid to Austin Aviation, Inc. Inv#1103 Avation Services 8/9/2019	Travel -Hampton	5,125.00
08/12/2019	RAM-08-19	RAM Amex - Garden State Limousine Service on 8/10/2019 in Fairfield, NY	Travel -Hampton	145.67
08/11/2019	RAM-8-19	RAM BofA - Meal @ Da Nico in New York on 8/11/19	Meals-Hampton	117.13
08/11/2019	RAM-8-19	RAM BofA - Meal @ Da Nico in New York on 8/11/19	Meals-Hampton	117.14
			Grand Total:	$5,541.17

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2010-CP-25-0007
	)	
JAMIAN RISHER,	)	
	)	
Plaintiff,	)	**9TH DISBURSEMENT STATEMENT[1]**
v.	)	**MATTER ID: 4846-5417**
	)	
GENERAL MOTORS CORPORATION, SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND BRUNSON AUTOMOBILE SALES, INC.,	)	
	)	
Defendants.	)	

RECOVERED FUNDS – $1,225,258.10

Liberty Mutual	$ 200,000.00
SCDOT	$ 187,500.00
Brunson Automobile Sales, Inc.	$ 837,500.00
Wilmington Trust	$ 258.10
TOTAL	**$1,225,258.10**

[1] There were eight previous disbursements in this matter. The first disbursement occurred in October of 2007, wherein $200,000.00 was disbursed. *See* Exhibit A. The second disbursement occurred on June 24, 2011, wherein $187,500.00 was disbursed. *See* Exhibit B. This recovery represented half of the total recovery from SCDOT – the other half was disbursed through the companion case, James Risher as Personal Representative of the Estate of Stacy Risher v. Brunson Automobile Sales, Inc. (Civil Action No.: 08-CP-25-00021). The third disbursement occurred on July 7, 2011, wherein Plaintiff received $3,062.32, which had previously been set aside and/or sent to satisfy a loan at Palmetto State Bank (loan no.: 6981002). *See* Exhibit C. However, this loan was satisfied via the companion case, James Risher as Personal Representative of the Estate of Stacy Risher v. Brunson Automobile Sales, Inc. (Civil Action No.: 08-CP-25-00021). *See* Exhibit D. The fourth disbursement occurred on February 29, 2012, wherein $837,500.00 was disbursed. *See* Exhibit E. The fourth disbursement is not balanced, resulting in $45.00 being owed to Plaintiff. *Id.* Also, in the fourth disbursement, $90,131.49 was designated to satisfy Plaintiff's MUSC bill, however, that check was later voided. The fifth disbursement occurred in April of 2012, wherein Plaintiff received $8,000.00 of the $10,000.00 being held in trust for expert fees, leaving $2,000.00 in trust. *See* Exhibit F. The sixth disbursement occurred on April 10, 2015, wherein $258.10 recovered from Wilmington Trust was disbursed. *See* Exhibit G. The seventh disbursement occurred in August of 2016, wherein R. Alexander Murdaugh ("RAM") diverted $90,000.00 of Plaintiff's funds. *See* Exhibit H. Upon learning of this improper handling of funds, PMPED took action and replaced said funds, depositing them into the trust account on September 27, 2021. *See* Exhibit I. Also, the funds administered to Plaintiff on the seventh disbursement were later voided, leaving those funds in the trust account. The eighth disbursement occurred on November 7, 2019, wherein RAM diverted $5,541.17 of Plaintiff's funds for personal use. *See* Exhibit J.

ATTORNEYS FEES AND COSTS

Attorneys Fees (40% of Recovery)	
Disbursement – October of 2007. *See* Exhibit A.	$ 80,000.00
Disbursement – June 24, 2011. *See* Exhibit B.	$ 75,000.00
Disbursement – February 29, 2012. *See* Exhibit E.	$335,000.00
Disbursement – April 10, 2015. *See* Exhibit G.	$ 103.24
Advanced Costs	
Disbursement – October of 2007. *See* Exhibit A.	$ 12,233.58
Disbursement – June 24, 2011. *See* Exhibit B.	$ 5,210.74
Disbursement – February 29, 2012. *See* Exhibit E.	$ 15,812.03
TOTAL	**$523,359.59**

LOANS

Palmetto State Bank – Loan No.: 6974500	$ 1,593.67
TOTAL	**$ 1,593.67**

MEDICAL EXPENSES

Charles J. Nivens, M.D. (Disbursement – October of 2007)	$ 372.00
Charles J. Nivens, M.D. (Disbursement – February 29, 2012)	$ 17,086.20
Rea Chiropractic (Disbursement – February 29, 2012)	$ 137.00
Coastal Plains (Disbursement – February 29, 2012)	$ 426.00
Omni Transport (Disbursement – February 29, 2012) (Reduced from $16,720.00)	$ 13,376.00
Hampton Regional Medical Center (Disbursement – February 29, 2012)	$ 6,288.25
MUSC (Reduced from $116,131.49)	$ 90,131.49
MRI at Belfair (Disbursement – February 29, 2012)	$ 2,550.00
University Medical Associates (Disbursement – February 29, 2012) (Reduced from $14,463.00)	$ 10,000.00
TOTAL	**$ 50,235.45**

SETTLEMENT PROCEEDS TO CLIENT

Disbursement – October of 2007. *See* Exhibit A.	$105,800.75
Advance – March 25, 2011. *See* Exhibit __.	$ 7,000.00
Disbursement – June 24, 2011. *See* Exhibit B.	$ 87,225.94
Disbursement – July 7, 2011. *See* Exhibit C.	$ 3,062.32
Disbursement – February 29, 2012. *See* Exhibit E.	$336,693.03
Owed Due to Error on February 29, 2012 Disbursement. *See* Exhibit E.	$ 45.00
Disbursement – April of 2012. *See* Exhibit F.	$ 8,000.00
Disbursement – April 10, 2015. *See* Exhibit G.	$ 154.86
Disbursement – November 7, 2019. *See* Exhibit J.	$ 6,590.32
Disbursement – October 11, 2021.	$ 95,541.17
TOTAL	**$650,113.39**

FUNDS DISBURSED: $1,225,302.10[2]

only $90,000.00 (check no.: 4921) is being disbursed at client meeting on October 11, 2021. the remaining $5,541.17 $45.00 will be sent to client within the week. CSS JAR

[2] The funds disbursed differ from the funds recovered due to errors in previous disbursements.

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advise regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this settlement statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review, and if you deem appropriate, to discuss with your accountant, tax attorney or other tax advisor.

I hereby approve of the above settlement and disbursements this 11 day of October 2021.

Chelci S. Avants
Attorney

Jamian Risher
Jamian Risher

R. Witness
Witness

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	
	)	
JAMIAN RISHER,	)	
	)	
Plaintiff,	)	
	)	**DISBURSEMENT STATEMENT**
	)	
-v-	)	
	)	
GENERAL MOTORS CORPORATION AND SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION.	)	
	)	
Defendant(s)	)	

TOTAL RECOVERY – $200,000.00

DISBURSEMENTS:

Fee:

Peters, Murdaugh, Parker, Eltzroth & Detrick	80,000.00

Expenses:

Jimmy Butler Auto Sales (towing fee)	450.00
Engineering Experts, Inc. (professional services)	4,124.10
Hampton County EMS (medical records)	20.00
Hampton Regional Medical Center (medical records)	38.50
S. C. Department of Public Safety (accident records)	20.00
Tison's Motor Company (wrecker & storage fee)	490.00
Omni Flight Helicopters (medical records)	25.00
S. C. Department of Public Safety (records)	20.00
Parsonson & Associates, Inc. (expert fee – studied accident reports, maps of area, accident site, made notes, etc.)	1,541.08
Engineering Experts, Inc. (professional fee - analysis)	1,327.50
CopyMed, Inc. (medical records from MUSC)	426.64
CopyMed, Inc. (medical records from MUSC)	48.99
Liberty Mutual Fire Insurance Company (payment of salvage)	3,257.02
S. C. Department of Motor Vehicles (accident reports)	72.00
S. C. Department of Motor Vehicles (accident report)	6.00
S. C. Department of Motor Vehicles (collision study)	6.00
Parsonson & Associates, Inc. (expert fee – reviewed collision study, police reports, etc.)	360.75
TOTAL EXPENSES	$12,233.58
TOTAL FEE & EXPENSES	$92,233.58

Payoff of Loans:	
Palmetto State Bank (Loan Number 6974500: payoff thru October 11. 2007)	$1.593.67
Outstanding Medicals:	
Charles J. Nivens, M.D.	$372.0(
Full/Final proceeds of disbursement to Jamian Risher	$105,800.75
Total Disbursements.....	$200,000.00

I HEREBY APPROVE OF THE FOREGOING DISBURSEMENTS AND SETTLEMENT OF THE ABOVE ENTITLED MATTER AND UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS. EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

_____

Jamian Risher

October_____, 2007

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF Hampton	)	CIVIL ACTION NO.: 08-CP-25-20
Jamian Risher, PLAINTIFF,	)	
v.	)	**DISBURSEMENT SHEET**
General Motors Corporation and South Carolina Department of Transportation DEFENDANTS	)	

DISBURSEMENTS:	**$187,500.00**
PMPE&D - Attorneys Fee	**$75,000.00**
PMPED Expenses	
Witness Fee (Gohagen, Edwards and Orr)	**$42.00**
Witness Fee (Cpl. Davis)	**$14.00**
Jimmy Bulter Storage Fee	**$3,497.50**
Reynolds Process Service (Service on Brunson)	**$163.15**
Hampton Co. Clerk (S&C)	**$150.00**
Hampton Co. Clerk (Amending Complaint)	**$25.00**
Fedex	**$16.51**
Hampton Co. Clerk (Motion fee)	**$25.00**
Hampton Co. Clerk (Filing Fee)	**$25.00**
Research	**$645.30**
Charles Nivens (Medical Records)	**$79.05**
Hampton co. Clerk (Filing Amended Complaint /Brunson)	**$150.00**
SC Dept. of Public Safety	**$14.00**
Co-Star Reporting	**$357.83**
Investigator/Inspection	**$6.40**
Total Expenses	**$5,210.74**
Advances:	
3/25/11	**$7,000.00**
LIENS/LOANS	
Palmetto State Bank loan # 6981002(Payoff through 6/24/11)	**$3,063.32**
(Outstanding Expert Witness Fees)	**$10,000.00**

Settlement Proceeds to Jamian Risher **$87,225.94**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this _____.

_____

R. Alexander Murdaugh

Jamian Risher

Jamian Risher
Date: 6-24-11

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF Hampton	)	CIVIL ACTION NO.: 08-CP-25-20
	)	
Jamian Risher,	)	
PLAINTIFF,	)	
	)	
v.	)	**AMENDED DISBURSEMENT SHEET**
	)	
General Motors Corporation and South Carolina Department of Transportation	)	
DEFENDANTS	)	

DISBURSEMENTS: **$3,063.32**

This amount reflects a reversal of monies withheld to pay loan #6981002 at Palmetto State Bank which was hel in error.

Settlement Proceeds to Jamian Risher **$3,062.32**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this _____.

R. Alexander Murdaugh

Jamian Risher
Date: 7/7/11

(4)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF Hampton	)	CIVIL ACTION NO.: 08-CP-25-20
Jamian Risher, PLAINTIFF,	)	**DISBURSEMENT SHEET**
v.	)	
Brunson Automobile Sales, Inc. DEFENDANTS	)	

DISBURSEMENTS:	**$ 837,500.00**	
PMPE&D - Attorneys Fee	**$ 335,000.00**	41744
PMPED Expenses (see attached)		
Total Expenses	**$ 15,812.03**	41744
Medical Expenses:		
Charles Nivens	**$ 17,086.20**	
Rea Chiropractic	**$ 137.00**	
Coastal Plains	**$ 426.00**	
Omni Transport ($16,720.00 reduced)	**$ 13,376.00**	
Hampton Regional Medical Center	**$ 6,288.25**	
MUSC ($116,131.49 reduced)	**$ 90,131.49**	-(voided)
MRI @ Belfair	**$ 2,550.00**	
University Medical Associates ($14,463.00 reduced)	**$ 10,000.00**	
Total Medical Expenses	**$139,949.94**	
Hold in Client Trust Expert Fees:	**$ 10,000.00**	-(held)
Settlement Proceeds to Jamian Risher	**$336,693.03**	

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

I approve:

R. Alexander Murdaugh

February 29, 2012

Jamian Risher

Jamian Risher

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

(5)

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF Hampton)	CIVIL ACTION NO.: 08-CP-25-20
)	
Jamian Risher,)	**DISBURSEMENT SHEET**
PLAINTIFF,)	
)	
v.)	
)	
Brunson Automobile Sales, Inc.)	
DEFENDANTS)	

Held in Client Trust for Expert Fees:	**$10,000.00**
Settlement Proceeds to Jamian Risher :	**$ 8,000.00**
Remaining funds to be held in Client Trust for Expert Fees:	**$ 2,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

I approve:

R. Alexander Murdaugh

April ____, 2012

Jamian Risher

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

(6)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.:
	)	
JAMIAN RISHER,	)	**DISBURSEMENT SHEET**
	)	
PLAINTIFF,	)	
	)	
v.	)	
	)	
GENERAL MOTORS CORPORATION.	)	
	)	
DEFENDANT.	)	

RECOVERY AMOUNT	**$**	**258.10**
DISBURSEMENTS:		
PMPE&D - Attorneys Fee	**$**	103.24
Full/final proceeds of disbursement to Jamian Risher	**$**	**154.86**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

I approve:

R. Alexander Murdaugh

April 10, 2015

Jamian Risher

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

State's Exhibit
322
2-7-23

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	CIVIL ACTION NO. 2014-CP-25-93
JOHNNY L. BUSH,	
Plaintiff,	**SETTLEMENT DISBURSEMENT SHEET**
v.	
ASHLEY Q. BROOKS.	
Defendant.	

RECOVERY AMOUNT	**$1,200,000.00**
DISBURSEMENTS:	
PMPE&D ATTORNEY'S FEES:	**$ 480,000.00**
PMPE&D EXPENSES:	**$ 18,033.69**
LIEN PAYMENT TO PALMETTO STATE BANK (payoff of 12/14/15):	**$ 28,312.26**
LIEN PAYMENT TO MEDICAID:	**$ 753.23**
LIEN PAYMENT TO MEDICARE:	**$ 7,238.89**
LIEN PAYMENT TO DR. VEGA:	**$ 2,954.68**
LIEN PAYMENT TO DR. NIVENS: (Hold in trust pending balance)	**$ 400.00**
FORGE:	**$ 95,000.00**
SETTLEMENT PROCEEDS TO JOHNNY BUSH:	**$ 567,307.30**
TOTAL DISBURSEMENTS	**$1,200,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

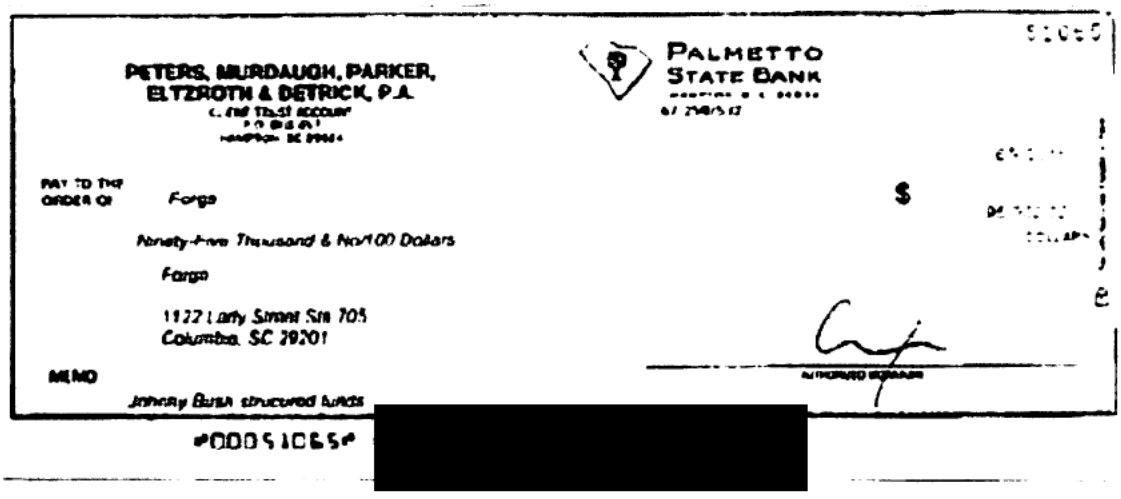
As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

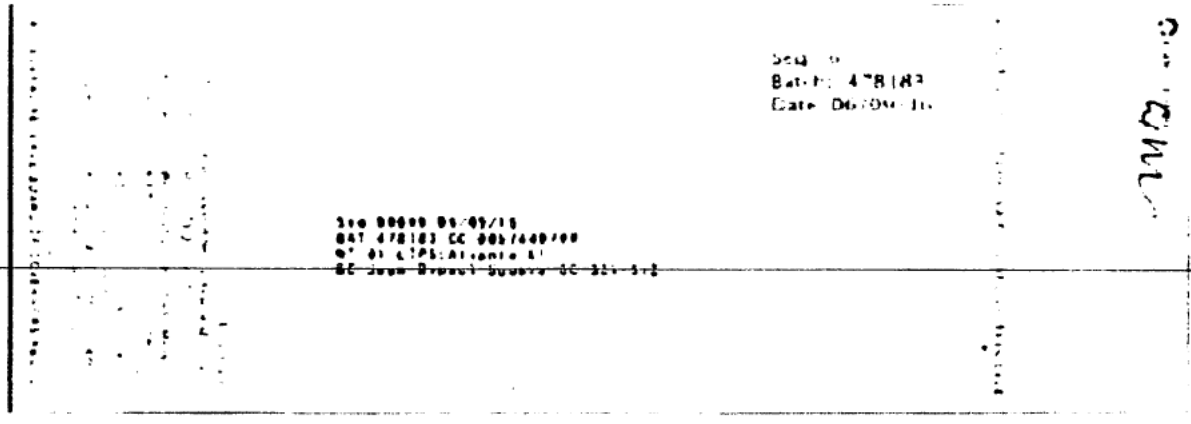
R. Alexander Murdaugh

December ____, 2015

Johnny Bush



51065 $95,000.00 6/10/2016



51065 $95,000.00 6/10/2016

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	CIVIL ACTION NO.: 2014-CP-25-0093
	)	
JOHNNY L. BUSH,	)	**THIRD DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 005571-014418**
V.	)	
	)	
ASHLEY Q. BROOKS,	)	
	)	
DEFENDANT.	)	

RECOVERY AMOUNT: $1,200,000.00

ATTORNEYS COSTS & FEES:	
PMPED – Fees (40%)	$480,000.00
PMPED – Advanced Costs	$ 18,033.69
TOTAL	**$498,033.69**

LOANS:	
Palmetto State Bank – Loan No.: 6985940	$ 2,629.59
Palmetto State Bank – Loan No.: 6986819	$ 2,414.95
Palmetto State Bank – Loan No.: 6987176	$ 3,987.67
Palmetto State Bank – Loan No.: 6987431	$ 2,793.96
Palmetto State Bank – Loan No.: 6988034	$ 5,224.32
Palmetto State Bank – Loan No.: 6988173	$ 5,152.10
Palmetto State Bank – Loan No.: 6988273	$ 6,109.67
TOTAL	**$ 28,312.26**

[1] There were two previous disbursements in this matter. The first occurred on December 18, 2015, issuing attorneys fees and costs, withholding $400.00 in trust for Plaintiff's lien with Dr. Nivens, and satisfied Plaintiff's loans with Palmetto State Bank and various liens of Plaintiff's (Medicaid, Medicare, and Dr. Vega). *See* Exhibit A, B, D, E and F. In the first disbursement, R. Alexander Murdaugh ("RAM"), a former partner at this firm, diverted $95,000.00 of Plaintiff's funds for his personal use. The second disbursement occurred on January 19, 2016, issuing a check in the amount of $400.00 (the funds previously withheld in trust to satisfy Plaitniff's lien with Dr. Nivens) to Plaintiff. *See* Exhibit C; G. Upon learning of RAM's improper handling of funds, PMPED took action and replaced said funds – these funds were deposited into the trust account on September 13, 2021. *See* Exhibit H.

LIENS:

Healthy Connections, Medicaid. *See* Exhibit D.	$ 753.23
CMS (Medicare). *See* Exhibit E.	$ 7,238.89
Palmetto Primary Care Physicians – Dr. Vega. *See* Exhibit F.	$ 2,954.68
TOTAL	**$ 10,946.80**

SETTLEMENT PROCEEDS TO CLIENT:

Disbursement – December 18, 2015. *See* Exhibit A.	$567,307.25
Disbursement – January 19, 2016. See Exhibit C.	$ 400.00
Final Disbursement to Client – September 30, 2021.	$ 95,000.00
TOTAL	**$662,707.25**

FUNDS DISBURSED: $1,200,000.00

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this ___ day of September 2021.

9/30/21
Attorney

9/30/21
Johnny L. Bush

to Johnny Bush
Witness

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	CIVIL ACTION NO 2014-CP-25-93
JOHNNY L. BUSH,	
Plaintiff,	**SETTLEMENT DISBURSEMENT SHEET**
v.	
ASHLEY Q. BROOKS.	
Defendant.	

RECOVERY AMOUNT	**$1,200,000.00**
DISBURSEMENTS:	
PMPE&D ATTORNEY'S FEES:	**$ 480,000.00**
PMPE&D EXPENSES:	**$ 18,033.69**
LIEN PAYMENT TO PALMETTO STATE BANK (payoff of 12/14/15):	**$ 28,312.26**
LIEN PAYMENT TO MEDICAID:	**$ 753.23**
LIEN PAYMENT TO MEDICARE:	**$ 7,238.89**
LIEN PAYMENT TO DR. VEGA:	**$ 2,954.68**
LIEN PAYMENT TO DR. NIVENS: (Hold in trust pending balance)	**$ 400.00**
FORGE:	**$ 95,000.00**
SETTLEMENT PROCEEDS TO JOHNNY BUSH:	**$ 567,307.30**
TOTAL DISBURSEMENTS	**$1,200,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF HAMPTON	CIVIL ACTION NO.: 2014-CP-25-93
JOHNNY L. BUSH, PLAINTIFF,	**DISBURSEMENT SHEET**
v.	
ASHLEY Q. BROOKS, DEFENDANT	

Amount held in trust for payment to Dr. Nivens pending balance		$400.00
Payment to Johnny Bush	$ 400.00	
TOTAL DISBURSEMENT		$400.00

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

I approve:

R. Alexander Murdaugh

December ____, 2015

Johnny Bush

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

State's Exhibit
323
2-7-23

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	CIVIL ACTION NO.: 2017-CP-07-00180
JORDAN JINKS.	)	
PLAINTIFF.	)	**DISBURSEMENT SHEET**
v.	)	**Matter ID #: 010839-017131**
CRAIG JEROME AND YEAR ROUND POOL COMPANY. INC.	)	
DEFENDANTS	)	

DISBURSEMENTS:

Forge	**$85,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

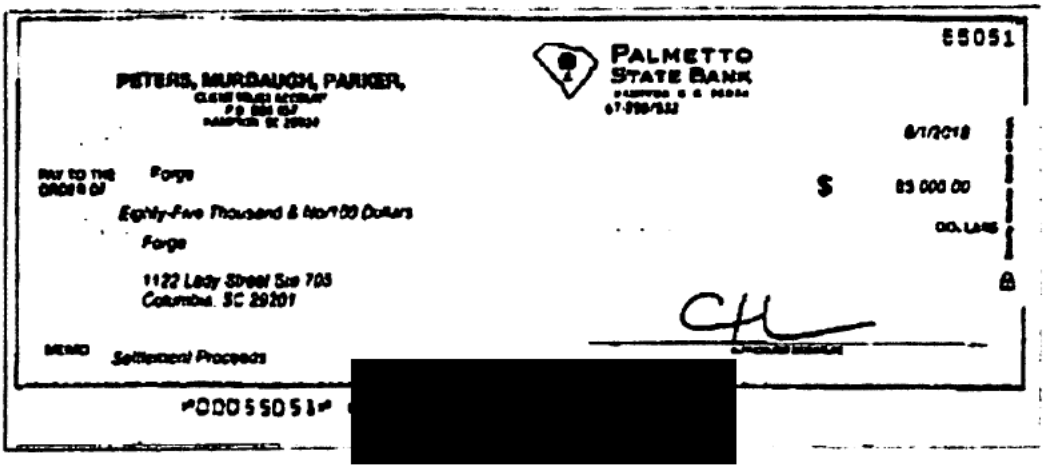
As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

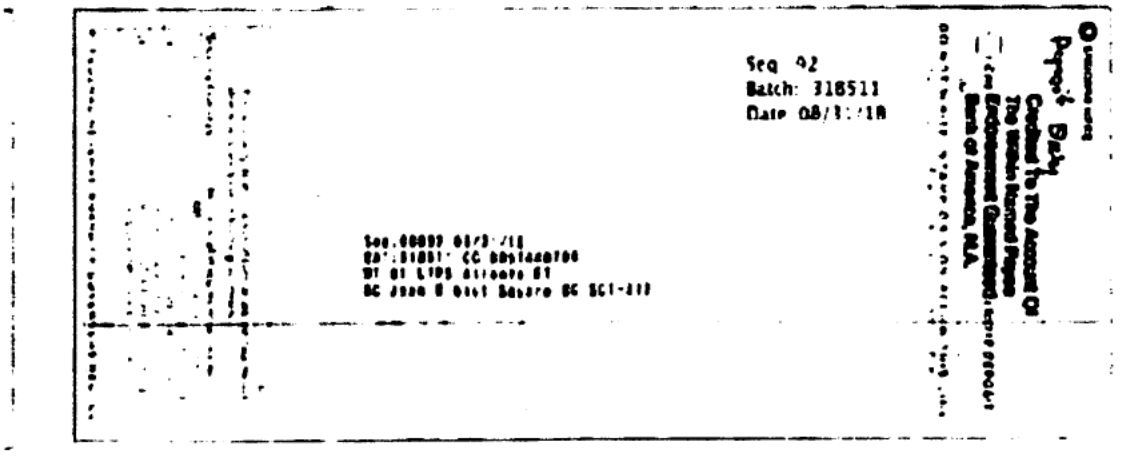
R. Alexander Murdaugh

Jordan Jinks

August 1, 2018



55051 $85,000.00 9/4/2018



55051 $85,000.00 9/4/2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT	)	CIVIL ACTION NO.: 2017-CP-07-00180
JORDAN JINKS.	)	
PLAINTIFF.	)	**DISBURSEMENT SHEET**
v.	)	**Matter ID #: 010839-017131**
CRAIG JEROME AND YEAR ROUND POOL COMPANY. INC.	)	
DEFENDANTS	)	

DISBURSEMENTS:

Forge	**$65,000.00**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS. EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

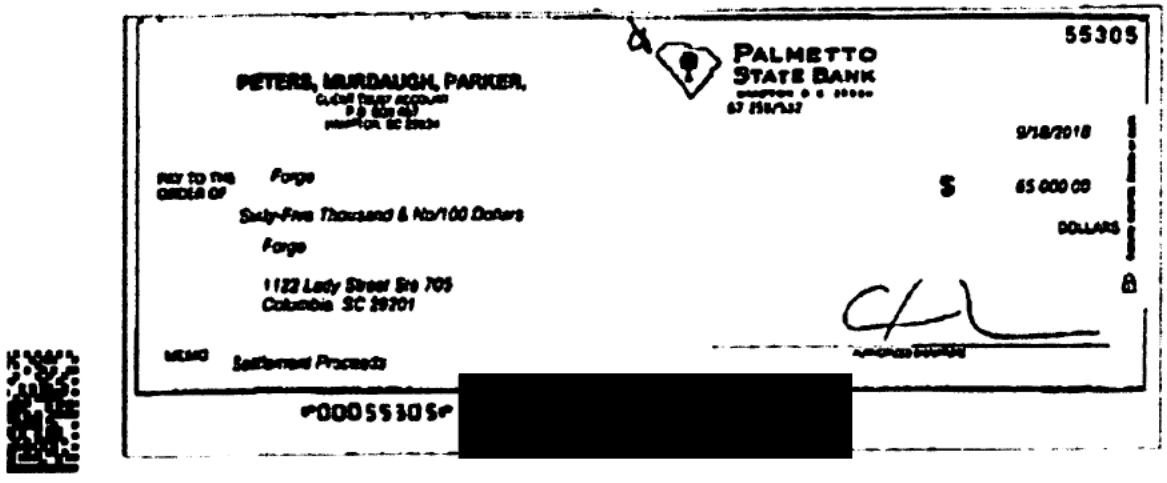
As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

R. Alexander Murdaugh

Jordan Jinks

September _____, 2018



PETERS, MURDAUGH, PARKER,

PALMETTO STATE BANK

55305

9/18/2018

PAY TO THE ORDER OF Forge

$ 65,000.00

Sixty-Five Thousand & No/100 Dollars

DOLLARS

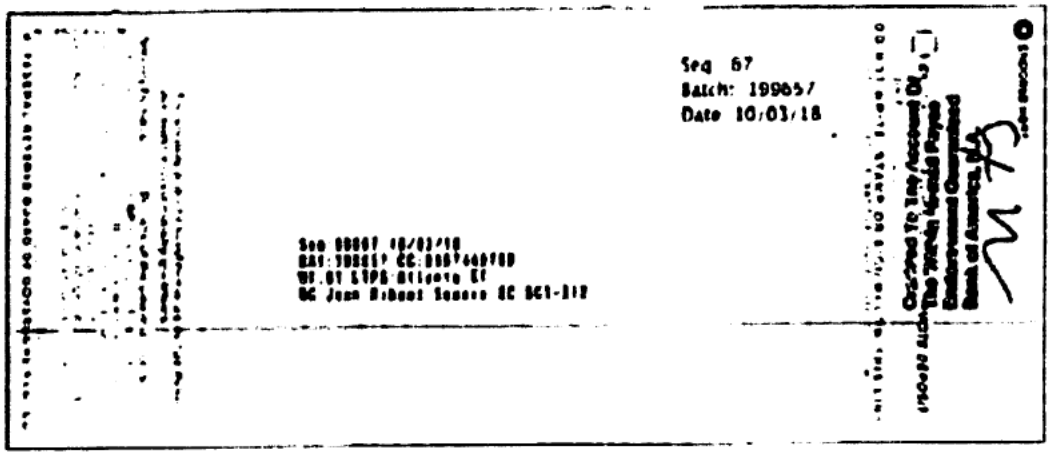
Forge

1122 Lady Street Ste 705
Columbia SC 29201

MEMO Settlement Proceeds

⑈00055305⑈ [redacted]

55305 $65,000.00 10/4/2018



Seq 67
Batch: 19965/
Date 10/03/18

55305 $65,000.00 10/4/2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO.: 2017-CP-07-00180
	)	
JORDAN JINKS,	)	
	)	**FIFTH DISBURSEMENT SHEET**[1]
PLAINTIFF,	)	**MATTER ID: 010839-017131**
V.	)	
	)	
CRAIG JERSOME AND YEAR ROUND POOL COMPANY, INC.,	)	
	)	
DEFENDANTS.	)	

RECOVERY AMOUNT: $812,500.00

ATTORNEYS COSTS & FEES:	
PMPED – Fees (40%)	$325,000.00
PMPED – Advanced Costs	$ 3,509.84
TOTAL	**$328,509.84**
LOANS:	
Palmetto State Bank – Loan No.: 6991954	$ 2,680.79
Palmetto State Bank – Loan No.: 6990453	$ 1,881.72
Palmetto State Bank – Loan No.: 6989409	$ 6,758.42
Palmetto State Bank – Loan No.: 6987547	$ 4,745.06
Palmetto State Bank – Loan No.: 6986724	$ 8,385.79
TOTAL	**$ 24,451.78**

[1] There were four previous disbursements in this matter. The first occurred on July 19, 2018, issuing an advance to Plaintiff and issuing $24,451.78 to Palmetto State Bank, satisfying Plaintiff's five (5) loans. *See* Exhibit A. The second disbursement occurred on July 26, 2018, issuing attorneys fees and costs, withholding $150,000.00 in trust for liens and dispersing $259,538.38 to Plaintiff. *See* Exhibit B. The third disbursement occurred on August 1, 2018, wherein R. Alexander Murdaugh ("RAM"), a former partner at this firm, diverted $85,000.00 of Plaintiff's funds for his personal use. *See* Exhibit C. The fourth disbursement occurred in September of 2018, wherein RAM diverted $65,000.00 of Plaintiff's funds. *See* Exhibit D. Upon learning of this improper handling of funds, PMPED took action and replaced said funds, totaling $150,000.00, which were deposited into the trust account on September 13, 2021. *See* Exhibit E.

LIENS:

BlueChoice HealthPlan of S.C., Inc. (Equian) – Event No.: HRI 20082169 – 20087608 (reduced from $64,328.99 to $41,882.06). *See* Exhibit F.	$ 41,882.06
TOTAL	**$ 41,882.06**

SETTLEMENT PROCEEDS TO CLIENT:

Advance issued on July 19, 2018. *See* Exhibit G.	$ 50,000.00
Disbursement – July 26, 2018. *See* Exhibit G; B.	$259,538.38
Final Disbursement to Client – September 29, 2021.	$108,117.94
TOTAL	**$417,656.32**

FUNDS DISBURSED: $812,500.00

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I hereby approve the above settlement and disbursements this 29 day of September 2021.

Attorney

Jordan Jinks

Witness

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

JORDAN JINKS,

PLAINTIFF,

v.

CRAIG JEROME AND YEAR ROUND POOL COMPANY, INC.

DEFENDANTS

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2017-CP-07-00180

DISBURSEMENT SHEET
Matter ID #: 010839-017131

DISBURSEMENTS:

Advance on Case	**$50,000.00**

LIENS

Palmetto State Bank (Acct. Nos. 6989409, 6990453 & 6991954) Payoff through July 19, 2018	~~$24,450.83~~

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

R. Alexander Murdaugh

Jordan Jinks

July ____, 2018

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF BEAUFORT	)	CIVIL ACTION NO.: 2017-CP-07-00180
	)	
JORDAN JINKS,	)	
PLAINTIFF,	)	
	)	**DISBURSEMENT SHEET**
v.	)	**Matter ID #: 010839-017131**
	)	
CRAIG JEROME AND YEAR ROUND POOL COMPANY, INC.	)	
DEFENDANTS.	)	

RECOVERY AMOUNT	**$812,500.00**
- Less Palmetto State Bank - paid out of DS on 7/19/18	$ 24,451.78
- Advance on case – paid out of DS on 7/19/18	$ 50,000.00
Total after disbursement on 7/19/18	**$738,048.22**

DISBURSEMENTS:

PMPE&D - Attorneys Fee	$325,000.00
PMPE&D- Advanced Costs	
HealthPort (medical records	$ 278.88
BJHCHS, Inc. (medical records)	$ 18.25
Case work (RTD travel)	$ 21.60
RecordQuest (medical records)	$ 90.43
SCDMV (accident report)	$ 6.00
CIOX Health (medical records)	$ 692.06
Beaufort Co. (e-file)	$ 63.48
North Shore Agency (medical records)	$ 49.02
Wills, Massalon & Allen, LLC (mediation services)	$ 1,856.50
Case expense	$ 433.62
Total Expenses	**$ 3,509.84**
Total Fee & Expenses	**$328,509.84**

LIENS

Bluechoice Healthplan of South Carolina, Inc.	**$150,000.00**
Settlement Proceeds to Jordan Jinks	**$259,538.38**

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR THE PAYMENT OF ANY AND ALL BILLS, EXPENSES AND/OR LIENS NOT DEDUCTED ABOVE.

As stated in our Contract of Representation, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. does not hold itself out as having any expertise in tax matters and you have not retained Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. to provide you with advice regarding potential tax implications relating to your recovery in this matter. However, as a service to you – and without providing you with specific advice regarding tax issues – Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. is attaching to this Settlement Statement a copy of IRS Publication 4345 (Rev. 6-2006) for you to review and, if you deem appropriate, to discuss with your accountant, tax attorney, or other tax advisor.

I approve:

R. Alexander Murdaugh

Jordan Jinks

July 26, 2018

witness

State's Exhibit
324
2-7-23