

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

) IN THE COURT OF GENERAL SESSIONS  
) FOURTEENTH JUDICIAL CIRCUIT  
)

The State of South Carolina,  
  
Plaintiffs,  
  
vs.  
  
Richard Alexander Murdaugh,  
  
Defendant.

Indictment Nos. 2022GS1500592 – 00595

**BRADY MOTION AND RULE 5  
MOTION FOR DISCLOSURE**

Pursuant to the due process clause of the Fourteenth Amendment of the United States Constitution, Brady v. Maryland, 373 U.S. 83 (1963), United States v. Agurs, 427 U.S. 97 (1976), and Rule 5(a)(1)(C) of the South Carolina Rules of Criminal Procedure, Defendant Richard Alexander Murdaugh respectfully demands the disclosure of information favorable to the Defendant that is in the possession of the State, the existence of which is known or by the exercise of reasonable diligence may become known to the State, and the production of documents and tangible items within the possession, custody, or control of the State.

Please take notice that Rule 5 requires the State to respond to this disclosure demand “no later than thirty (30) days after the request is made, or within such other time as may be ordered by the court.” Rule 5(a)(3) & (c), SCRCPP. Please also take notice this Rule 5 request includes a demand for inspection and copying of electronically stored information (ESI). The manner in which ESI is to be collected and produced is described below. Defendant demands strict compliance with these instructions to ensure preservation and collection of material evidence.

**INSTRUCTION**

For the convenience of the Court and clarity of the record, all documents and tangible items should be Bates labeled to apply a unique identifying number to each individual document

page or, in the case of native ESI files, to the native electronic document itself. **Please take notice that if the State fails to Bates label its production, the Defendant will Bates label the State's production, file it with the Clerk of Court, and insist on use of that record as the exclusive, complete record of responsive information in this case.**

Documents shall be produced as they are kept in the usual course of business or organized and labeled to correspond to the categories in this Request. In making production of ESI, including, without limitation, electronic data compilations, electronic email, or documents that are kept in electronic format (such as, without limitation, Microsoft Outlook, Microsoft Word, Microsoft Excel, Microsoft PowerPoint, or any similar program or platform), produce them in their native format along with all passwords necessary to access the documents and with all metadata fully intact. If documents are processed into image format to apply bates numbers or another form of identification, the native file should be provided along with the image and all metadata should be retained within the native file fully intact.

Documents attached to each other should not be separated. Documents not otherwise responsive to this Request shall be produced if such documents mention, discuss, refer to, or explain the documents that are called for by this request, or if such documents are attached to documents called for by this document request and constitute routing slips, transmittal memoranda, or letters, comments, evaluations, or similar materials.

ESI includes all network systems, servers and other storage devices maintaining ESI pertinent to this action. Systems includes proprietary software applications utilized by law enforcement agencies to aid in case management of the criminal charges.

## **DEFINITIONS**

**“Communications” means the transmittal of oral or written information, facts, or ideas, including, without limitation, communications in the form of any discussion, conversation, inquiry, negotiation, agreement, understanding, meeting, telephone conversation, letter, correspondence, note, memorandum, e-mail, text message, instant message, telegram, advertisement, or other form of exchange of words, whether oral or written.**

**The terms “document(s)” and tangible object(s)” as used in this request shall be inclusive of one another and interchangeable. “Document(s)” or “tangible object(s)” shall have the broadest meaning permitted under Rule 5 of the South Carolina Rules of Criminal Procedure, and include, without limitation, all writings of any nature whatsoever (including, specifically, all drafts), whether originals or copies, including all non-identical copies (whether different from the original because of notes made on or attached to them or otherwise), whether drafts, preliminary, proposed or final versions, whether printed, recorded, produced or reproduced by any other mechanical or electronic process, whether written or produced by hand, within your possession, custody or control, including without limitation, understandings, communications, including intra-office communications, intra-department communications, correspondence, telegrams, records, reports, memoranda (including memoranda of telephone, personal, intra-office or intra-department conversations and memoranda of conferences, notes, notices) diaries, summaries, lists, recordings, tapes, minutes, stenographic, handwritten or any other notes, working papers, disks, or any other document or writings of whatever description, including, without limitation, CD-ROMS, e-mails, instant messages, text messages and any information contained in any computer or memory system, network attached storage or server, although not yet printed out, or any material underlying, supporting or used in the preparation of any such documents. “Documents” or “document” includes ESI.**

**“ESI” means electronically stored information, electronically stored data or electronic data, and is to be interpreted broadly to include all types of information, regardless of the storage media (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, etc.), that requires a computer or other machine to read or process it.**

**“Native File” means the original file stored in its native application, regardless of the storage media (e.g., hard drive, CD-ROM, DVD, disc, tape, thumb drive, etc.), that requires a computer or other machine to read or process it.**

**“Policy” means any and all written or recorded administrative work instructions adopted or enacted by the State of South Carolina, the County of Richland, the Richland County Sherriff’s Department, or any law enforcement authority involved in this case pertaining to law enforcement professionals.**

**“The State” means the State of South Carolina and any law enforcement agency or prosecutorial authority playing any role in the investigation or prosecution of this case, including the Richland County Sherriff’s Department and the South Carolina Attorney General’s Office, as well as any expert, company, or consultant retained by the State to offer assistance in the investigation or prosecution of this case.**

**“Employee” means any person employed by the State or its law enforcement agencies, in any capacity including law enforcement, clerical, or support staff.**

**“Computer” means any and all electronic processing equipment provided to employees of the State to perform duties or work. The term computer shall include employee issued laptops, desktop personal computers, printers, networked attached storage or servers compiling and storing ESI, mobile devices including tablets, mobile phones or any other device utilized by law enforcement or State employees.**

“Recording” means any video, sound or photograph recording by any camera taken into custody during the investigation by any employee.

“Email” means all electronic mail messages communicated using Outlook or other mail software system utilized by any party investigating or prosecuting the criminal proceedings against the Defendant in this action.

“Witness” means any person interviewed or communicated with by any employee pertaining to the facts and allegations involving this matter, including, but not limited to: C.B. Rowe and Curtis Edward Smith.

**INFORMATION SOUGHT PURSUANT TO BRADY AND  
DOCUMENTS AND TANGIBLE OBJECTS FOR  
PRODUCTION, INSPECTIONS, AND COPYING**

Defendant Richard Alexander Murdaugh respectfully demands the right to be furnished or to examine, inspect, copy, photograph or make other facsimile copies of the following information, documents, or tangible objects:

1. All evidence favorable to Defendant in the possession of the prosecution or that within the prosecution’s custody or control, regardless of whether that evidence pertains to guilty/innocence or punishment/mitigation of Defendant.
2. All promises, rewards and inducements made to all witnesses, without regard for whether they have given grand jury testimony, been interviewed by an investigating agency, or will testify at trial.
3. Any offers or grants of immunity to any witness in this case relating to any fine, forfeiture, prosecution or punishment, whether in this case or another and whether relator to this case or not.

4. The names and addresses of the psychiatrists or hospitals and copies of any records relating to any psychiatric examination or treatment of any witness who has or will give testimony to the grand jury, any investigative agency, or at trial.

5. Any inconsistent statements, in the broadest sense of the word, made by a witness or between witnesses.

6. All "rap" sheets, arrest histories, or convictions of any prosecution witness.

7. All memoranda, reports, and correspondence to and from any law enforcement agency, whether federal, state, or local, regarding the investigation of Defendant or the charges filed in this action.

8. All statements or admissions by a witness concerning the witness's failure to recollect any part of any incident relating to the investigation or accusations in this case or any past loss of memory in general.

9. Written and recorded statements made by Defendant.

10. The substance of any oral statement made by Defendant, whether before or after arrest, in response to interrogation by any person known to be a prosecution agent, which the State intends to offer in evidence at the trial.

11. Defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution or as may become known to the prosecution.

12. Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of Defendant's defense or are intended for use by the prosecution as evidence in chief at trial, or were obtained from or belong to Defendant.

13. Any results or reports of physical or mental examinations, and of scientific test or experiments including polygraph examinations, or copies thereof, which are within the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial.

14. All ESI concerning interviews, statements, or notes taken by the State relating to Defendant, or any witness or possible witness in this case. This request includes, but is not limited to, email, text, word processing, stored ESI in any electronic device or any other type of ESI file used to record, transcribe, or in any way memorialize interviews, statements, or notes. This request also includes all drafts.

15. All ESI concerning investigative summaries, chronologies, or reports created by the State in this case. This request includes, but is not limited to, email, text, word processing, or any other type of ESI file used to record, transcribe, or in any way memorialize investigative summaries, chronologies, or reports. This request also includes all drafts.

16. All communications, including ESI such as email and text messages, generated by the State concerning the investigation of the Defendant.

17. All policies relating to law enforcement's communications, interrogations, and/or interviews with suspects and/or persons subject to custodial detention.

18. All policies relating to the preparation of (a) notes, (b) reports, and (c) statements in a criminal investigation.

19. All policies relating to the storage or retention of (a) notes, (b) reports, and (c) statements in a criminal investigation.

20. All policies relating to video or audio recording of communications, interrogations, and/or interviews in a criminal investigation.

21. All policies relating to the storage or retention of video or audio recording of communications, interrogations, and/or interviews in a criminal investigation.

23. All notes, communications, and reports, including ESI, concerning any DNA testing done by the State in this case.

24. All documents, inventories, chain of custody, and photos of any DNA samples collected from Defendant or any investigation of this case.

25. All laboratory policies relating to any DNA testing conducted by the State.

26. All methodologies and statistical formulas, including any ESI, used in any DNA testing conducted by the State in this case.

27. All proficiency testing and test results concerning any DNA analyst that has conducted testing or analysis for the State in this case.

28. All software or other ESI used to conduct any DNA testing or analysis for the State in this case.

29. Copies of all search warrants and affidavits in support of search warrants filed in any court pertaining to investigations involving the Defendant, to include:

a. Copies of all State Grand Jury transcripts including exhibits.

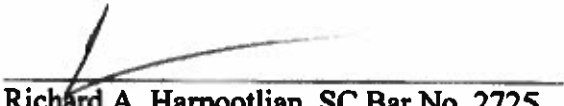
### **CONCLUSION**

Defendant Richard Alexander Murdaugh respectfully moves for disclosure of the aforesaid information and, to the extent necessary to compel the State's compliance with its disclosure obligations, asks that the Court to convene a plenary hearing upon notice of impasse



in obtaining disclosure and within a time frame sufficient to allow Defendant to prepare his defense.

Respectfully submitted,



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Richard A. Harpootlian, SC Bar No. 2725  
RICHARD A. HARPOOTLIAN, P.A.  
1410 Laurel Street (29201)  
Post Office Box 1090  
Columbia, South Carolina 29202  
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Facsimile (803) 252-4810  
rah@harpootlianlaw.com

ATTORNEY FOR THE DEFENDANT

July 15, 2022  
Columbia, South Carolina.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF COLLETON )

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

The State of South Carolina,  
  
Plaintiffs,

Indictment Nos. 2022GS1500592 – 00595

vs.

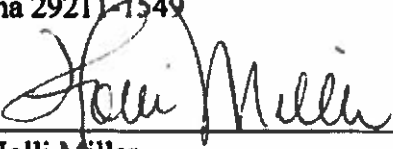
**CERTIFICATE OF SERVICE**

Richard Alexander Murdaugh,  
  
Defendant.

I, Holli Miller, paralegal to the attorney for the Defendant, Richard A. Harpootlian, P.A., with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on July 15, 2022 I did serve by placing in the U.S. mail, first class postage affixed thereto (with a courtesy copy sent electronically), the following document to the below mentioned person:

Document: Brady Motion and Rule 5 Motion for Disclosure

Served: Creighton Waters, Esquire  
Office of The Attorney General  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia South Carolina 29211-1549  
cwaters@scag.gov

  
\_\_\_\_\_  
Holli Miller



**HARPOOTLIAN**  
ATTORNEYS AT LAW

**RICHARD A. HARPOOTLIAN**  
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**CHRISTOPHER P. KENNEY**  
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**ONLINE**  
HARPOOTLIANLAW.COM

July 15, 2022

Rebecca Hill, Clerk of Court  
101 Hampton Street  
Post Office Box 620  
Walterboro, SC 29488

In re: State of South Carolina v. Richard Alexander Murdaugh  
Indictment Nos. 2022GS1500592 – 00595

Dear Mrs. Hill:

Enclosed please find the original and one copy of Mr. Murdaugh's Brady Motion and Rule 5 Motion for Disclosure in connection with the above-referenced matter.

Please clock-in the original and copies and return the copies in the reply envelope provided.

By copy of this letter, I am serving the Attorney General's Office with a copy of the same.

Thank you for your assistance in this matter.

With warm personal regards, I am

Sincerely,

  
Richard A. Harpootlian

/hm

Enclosures

cc: Creighton Waters, Attorney General's Office

JUL 13 2022 PM4:17  
COLLETON CD 65, REBECCA H. HILL



STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

The State of South Carolina,

Indictment Nos. 2022-GS-15-00592 – 00595

vs.

**MOTION FOR A SPEEDY TRIAL**

Richard Alexander "Alex" Murdaugh,  
Defendant.

Defendant Richard Alexander "Alex" Murdaugh, through undersigned counsel, moves the Court to enter an order setting a date for trial of the charges set forth in the above-referenced indictments before the end of 2022. Article 1, Section 14 of the S.C. Constitution, and the Sixth Amendment of the U.S. Constitution provide that the accused in a criminal trial shall have the right to a speedy and public trial. *See* S.C. Const. art. 1, § 14; *Wheeler v. State*, 147 S.E.2d 627 (S.C. 1966) (recognizing the application of the Sixth Amendment right to a speedy trial to the states through the Fourteenth Amendment); *see also State v. Chapman*, 344 S.E.2d 611, 612 (S.C. 1986). In accordance with this right, the Court should grant Defendant's motion because the State has had ample time – 13 months – and opportunity to collect evidence in support of its case and there is no justifiable reason to delay trial of these charges.

1. The State has presumably gathered all evidence it deems necessary to prosecute Defendant under the Indictments.

Maggie and Paul Murdaugh were murdered on June 7, 2021. After 13 months of investigating these crimes, the State elected to present its case to a grand jury in Colleton County. On July 14, 2022, the grand jury returned four indictments against Defendant in connection with the murders of Maggie and Paul (collectively the "Indictments").

Importantly, this was not a case in which the State was rushed to bring charges against a defendant posing a flight risk. Defendant Murdaugh has been in state custody since October 16, 2021, in connection with other charges. Unable to post the requisite \$7 Million bond set for these charges, Defendant Murdaugh will remain in the custody of the State until resolution of those cases. Thus, the State was not faced with any time constraints in establishing its case against Defendant and has been free to expend as much time as it deemed necessary to thoroughly investigate and vet its case prior to presenting it to the grand jury in Colleton County. As such, it follows that the State, having elected to move forward with presenting information to the grand jury, is presently in possession of the requisite evidence it believes establishes Defendant's guilt of the offenses charged in the Indictments beyond a reasonable doubt and it should have no difficulty providing the same to Defendant's counsel in response to its Rule 5, S.C.R.Crim.P., discovery requests on or before August 15, 2022.<sup>1</sup>

2. Defendant will be prepared to go forward with trial in November 2022.

At present, there are terms of General Sessions Court in Colleton County during which this case could be tried: the weeks of November 14, 2022, before Judge Brooks Goldsmith, and December 12, 2022, before Judge Alison Lee. Defendant will be prepared to move forward with the trial of this matter during either term.

The September 28, 2021 Order vesting the Honorable Clifton Newman with concurrent jurisdiction to handle matters relating to the criminal investigations into the deaths of Maggie and Paul is limited to pre-trial matters and does not designate Judge Newman as the trial judge in this matter. Furthermore, Judge Newman likely would be precluded from serving as the trial judge

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<sup>1</sup> Defendant's counsel served the Attorney General with its Rule 5 discovery requests of July 15, 2022.

because Judge Newman issued search warrants on behalf of the State during this investigation. Evidence seized during searches conducted pursuant to such warrants likely will be challenged by the defense. Thus, Judge Newman would be placed in the improper position of having to rule on the validity of search warrants issued by him. *See Brent v. State*, 929 So. 2d 952, 955 (Miss. Ct. App. 2005) (holding trial court judge committed reversible error by refusing to recuse himself in a criminal trial where he ruled upon the validity of a search warrant issued by him when he was a magistrate). Moreover, if agents supplemented their affidavits through sworn, but unrecorded, statements provided to Judge Newman, then Judge Newman would be disqualified based upon his personal knowledge of disputed facts. *See S.C. App. Ct. R. 501, Canon 3E(1)(a)* (“A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances where...the judge has...personal knowledge of disputed evidentiary facts concerning the proceeding.”).<sup>2</sup>

Based on the foregoing, Defendant respectfully requests the Court grant his motion. The sooner this case is tried, and Defendant is acquitted, the sooner SLED can redirect its efforts to an investigation of the true perpetrator(s) of these heinous murders.

[Signature Block on the Following Page]

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<sup>2</sup> In the event the State intends to use evidence obtained through search warrants issued by Judge Lee in her capacity as the presiding judge of the State Grand Jury, the same disqualification issues would be present. Thus, to avoid these potential issues, Defendant requests trial be set for the November term of Court.

Respectfully submitted,



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Margaret N. Fox, SC Bar No. 76228  
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Attorneys for Richard Alexander Murdaugh

July 18, 2022  
Columbia, South Carolina





STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

The State of South Carolina,

Indictment Nos. 2022-GS-15-00592 – 00595

vs.

Richard Alexander "Alex" Murdaugh,

Defendant.

**MOTION FOR PRODUCTION OF  
SEARCH WARRANTS AND  
RELATED DOCUMENTS**

Defendant Richard Alexander Murdaugh (Murdaugh) hereby requests the Honorable Clifton Newman,<sup>1</sup> Circuit Court Judge, produce copies of all search warrants and related documents that are required to be maintained pursuant to S.C. Code Ann. § 17-13-141. This statute provides:

Every judiciary official authorized to issue search warrants in this State shall keep a record along with a copy of the returned search warrant and supporting affidavit and documents for a period of three years from the date of issuance of each warrant. The records shall be on a form prescribed by the Attorney General and reflect as to each warrant:

- (1) Date and exact time of issuance.
- (2) Name of person to whom warrant issued.
- (3) Name of person whose property is to be searched or, if unknown, description of person and address of property to be searched.
- (4) Reason for issuing warrant.
- (5) Description of article sought in the search.
- (6) Date and time of return.


*Id.*

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<sup>1</sup> Judge Newman has been vested with jurisdiction to issue search warrants relating to the criminal investigations into the murders of Margaret and Paul Murdaugh by Order of the Chief Justice dated September 28, 2021.

Defendant requests this information pursuant to Rule 5, S.C.R.Crim.P., the Fourth and Fourteenth Amendments to the United States Constitution, and Article I, Section 10 of the South Carolina Constitution.

Respectfully submitted,

  
Richard A. Harpootlian, SC Bar No. 2725  
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Attorneys for Richard Alexander Murdaugh

July 18, 2022  
Columbia, South Carolina

STATE OF SOUTH CAROLINA  
COUNTY OF COLLETON

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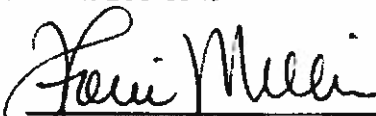
Indictment Nos. 2022GS1500592 – 00595

**CERTIFICATE OF SERVICE**

I, Holli Miller, paralegal to the attorney for the Defendant, Richard A. Harpootlian, P.A., with offices located at 1410 Laurel Street, Columbia, South Carolina 29201, hereby certify that on July 18, 2022 I did serve by placing in the U.S. mail, first class postage affixed thereto (with a courtesy copy sent electronically), the following document to the below mentioned person:

**Document:** Motion for a Speedy Trial and Motion for Production of Search Warrants and Related Documents

**Served:** Creighton Waters, Esquire  
Office of The Attorney General  
Rembert C. Dennis Building  
Post Office Box 11549  
Columbia South Carolina 29211-1549  
cwaters@scag.gov

  
\_\_\_\_\_  
Holli Miller



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ATTORNEYS AT LAW

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July 18, 2022

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In re: State of South Carolina v. Richard Alexander Murdaugh  
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Dear Mrs. Hill:

Enclosed please find the original and one copy of Mr. Murdaugh's motion for a speedy trial and motion for production of search warrants and related documents in connection with the above-referenced matter.

Please clock-in the originals and copies and return the copies in the reply envelope provided.

By copy of this letter, I am serving the Attorney General's Office with a copy of the same.

Thank you for your assistance in this matter.

With warm personal regards, I am

Sincerely,

  
Richard A. Harpootlian

/hm

Enclosures

cc: Creighton Waters, Attorney General's Office

JUL 20 2022 AM 11:37  
COLLETON CO GS, REBECCA H. HILL



AllPaid  
 7820 Innovation Boulevard Suite 250  
 Indianapolis, IN 46278  
 24hr. Customer Service #: 888-604-7888

**Common Pleas Copy Fees Payment Confirmation (Ref #: 35491886)**

**PLC:** Colleton County Clerk Of Court  
 4336 101 Hampton St.  
 Walterboro, South Carolina 29488  
 For: Common Pleas Copy Fees

**Date:** 07/22/2022 16:46 EDT

**TRANSACTION INFORMATION**

<b>Name:</b>	Jennifer Wood	<b>Transaction Reference #:</b>	35491886
<b>Reason For Payment:</b>	Copy Fees	<b>Transaction Date/Time:</b>	07/22/2022 16:46 EDT

**BILLING INFORMATION**

<b>Name:</b>	Jennifer Wood
<b>Address:</b>	1449 Sycamore Place
<b>City, State Zip:</b>	Mandeville, La 70448
<b>Phone #:</b>	(734)330-9229
<b>Card #:</b>	xxxx-xxxx-xxxx-3533

**PAYMENT INFORMATION**

<b>Approval #:</b>	034616
<b>Payment Amount:</b>	\$57.00
<b>Service Fee:</b>	\$2.00
<b>Total Amount:</b>	\$59.00

**The service fee is not refundable.**

**ATTENTION CARDHOLDER**

If you have questions about the processing of your payment, please call AllPaid at 888-604-7888.

Thank you for using AllPaid

# Common Pleas

Clerk : Rebecca H. Hill

P O Box 620

Walterboro, SC 29488

Phone:(843) 549-5791 Fax:(843) 549-6857

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Received From: Jennifer Wood

Date : 7/22/2022

Paying for: Jennifer Wood,

RECEIPT # 432187

Clerk: c15cnettle

Payment Type: CR Card - Web

\$57.00

Reference #: 35491886

Total Paid

57.00

Comment: Copy Fees

Non-Refundable

