

**STATE OF SOUTH CAROLINA
COUNTY OF COLLETON**

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

**COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT**

Indictment Nos. 2022-GS-15-00592, -593,
-594, and -595

**REPLY TO THE STATE'S RESPONSE
TO THE MOTION FOR DEFENDANT
TO BE UNSHACKLED IN THE
COURTROOM**

Defendant Richard Alexander Murdaugh, through undersigned counsel, hereby replies to the State's response to his motion for an order requiring the State to unshackle him and allow him to wear civilian clothing during trial and during pretrial courtroom proceedings in which news media are present with cameras. For the reasons set forth below, the State's opposition is without merit, but Mr. Murdaugh nonetheless withdraws the motion.

The State appears to concede that Mr. Murdaugh cannot be displayed to the jury in shackles during the upcoming trial. The State principally argues that is not a concern in pretrial proceedings which have no jury. Ordinarily that is true, but where those proceedings are televised and thereby visible to prospective jurors, the universal rule is to prohibit the display of the defendant in shackles. Even where security concerns do require the defendant to be shackled, courts uphold this rule by forbidding the cameras in the courtroom from displaying the defendant. For example, during a pretrial hearing in criminal proceedings against the alleged assassin of Charlie Kirk, the court was adamant that the defendant must not be shown in shackles and responded to reports that this had happened by ordering cameras repositioned and warning that they would be excluded if it occurred again. *See Hr'g, Utah v. Robinson*, Case No. 251403576 (Utah 4th Dist. Ct., Dec. 11, 2025), available at <https://www.youtube.com/watch?v=Z8AiPkhgZ81&t=324s>.

The State makes no serious attempt to show that Mr. Murdaugh presents a “special need” requiring him to be shackled in the view of potential jurors as required under *Deck v. Missouri*, 544 U.S. 622, 626 (2005). The State does not even describe the two minor prison disciplinary infractions which per S.C. Department of Corrections (SCDC) records merited only a 30-day loss of telephone privileges. While in custody, Mr. Murdaugh has never threatened or attempted escape or violence, nor has he even been accused of threatening or attempting any escape or violence. He has appeared in countless hearings and a full six-week trial without any disruptive behavior.

The State’s third and final argument, that everyone knows Mr. Murdaugh is an inmate so publicly parading him as such cannot be prejudicial, is also unavailing. For another example, *Wilson v. Washington*, 9:23-cv-1510-MHC (D.S.C.), is a federal civil jury trial commencing June 29, 2026 (the same day as the status conference in this case). In *Wilson*, the federal court granted the motion of the plaintiff prisoner—an SCDC inmate convicted of armed robbery and kidnapping—to appear in civilian clothing without visible restraints, even though that is a voluntary civil proceeding in which the prisoner is the plaintiff. Order, *Wilson*, 9:23-cv-1510-MHC, ECF No. 224. That case alleges excessive force by correctional officers in the prison, in violation of prison policies and his constitutional rights. Obviously, the jury in that case will know he is a prison inmate—that is the point of the lawsuit. Nevertheless, the court properly held he should not be displayed to the jury in shackles. In a courtroom, all are equal before the law.

The fact that Mr. Murdaugh has now pleaded guilty to the nonviolent embezzlement crimes that he then had only publicly confessed is immaterial. He was a prisoner in state custody then and he is one now. He admitted stealing money then and he admits it now. He denies murdering his wife and son then and he denies it now. Nothing has changed since Judge Newman granted this motion without objection from the State the last time it was filed.

Nothing, that is, except the histrionics from the State. The State’s concluding remarks in opposition are inappropriate. This case is not about what Mr. Murdaugh “thinks,” whether he is “special,” or throwing things “around whenever it suits” him.¹ This case is a test, a *trial*, of whether the State can prove that Mr. Murdaugh committed the acts alleged in the indictments. We try indictments instead of just taking the State at its word regarding the guilt of the accused. We do this because we do not trust the government with that much power over the individual. This is why we have a separate branch of government to try cases, why we impose the highest possible standard of proof and assume the accused is not guilty until that standard is met, and why we have strict rules prohibiting things like jury tampering or presenting the accused to potential jurors in shackles. This is not a disparagement of prosecutors and law enforcement, who work hard to protect and serve the public. It is a recognition of the danger of giving a few people great power over many, a lesson which our ancestors learned by painful experience.

The State has failed to meet the standard under *Deck* for displaying a defendant to potential jurors in shackles. Nonetheless, Mr. Murdaugh does not want to create a distraction for the Court or even for the State. Mr. Murdaugh did not expect the State’s opposition. The State did not express opposition when Mr. Murdaugh’s attorney consulted with the State prior to filing, to ask what the State’s position was. The State did not oppose this motion when it was last filed (this motion is nearly a verbatim copy of the first motion) and was granted as a matter of course by Judge Newman. Mr. Murdaugh would ask that the Court and the State focus on motions that are

¹ The State’s *ad hominem* rhetoric recalls the State’s initial response to former Clerk of Court Rebecca Hill’s misconduct at the first trial: “Only Alex Murdaugh could conceive of such a confounded gambit as even remotely plausible, and he is projecting his own calculating, manipulative psyche on to a dedicated public servant [Ms. Hill] in an effort to save himself.” Resp. Mot. New Trial 18, Nov. 6, 2023. Five justices of our Supreme Court apparently found it plausible.

more material to his defense, like his motion to have unknown DNA from the crime scene tested, his motion to allow him to review case materials in preparation for trial, his motion to transfer venue to a location where he can receive a fair trial, and other substantive motions that are forthcoming. Mr. Murdaugh has admitted his many serious financial crimes, and he accepts the consequences of those crimes—decades of imprisonment, probably for the remainder of his life—without complaint. If the State wants to use that for a public spectacle, so be it. Mr. Murdaugh will not waste the Court’s time at the upcoming status conference arguing about the optics of the status conference. Mr. Murdaugh therefore withdraws the motion.

Respectfully submitted,



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