

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

**DEFENDANT'S MOTION FOR A  
FORTHWITH ORDER**

The defendant, Richard Alexander Murdaugh, by and through his undersigned counsel, moves the Court for a comprehensive Forthwith Order granting the defense authority to issue subpoenas duces tecum requiring the production of documents relating to the defense of Alex Murdaugh in advance of trial.

The fundamental characteristic of a subpoena duces tecum in a criminal case is to expedite the trial by providing a time and place before trial for the inspection of subpoenaed materials. *United States v. Nixon*, 418 U.S. 683, 698-99 (1974). The issuance of a subpoena duces tecum for the pre-trial production of material is generally authorized when the documents are evidentiary and relevant, the failure to obtain such inspection may tend to unreasonably delay the trial and the application is made in good faith and is not intended as a general "fishing expedition." *United States v. Rand*, 835 F.3d 451, 462-64 (4th Cir. 2016).

The Defendant seeks authority from the Court to issue subpoenas for documents to be produced in advance of trial to avoid unnecessary delay. Defense counsel proposes to issue such subpoenas for the pre-trial production of documents, along with a copy of an Order of this Court advising the recipient of a document subpoena of their right to petition the court for a protective

order, rather than requiring counsel to seek a forthwith order from this Court each time the defense issues a subpoena duces tecum. Requiring the defendant to make public filings for each subpoena duces tecum will unnecessarily expose the defense's trial strategy and subject the recipient of any subpoena to extensive media attention. Furthermore, permitting defense counsel to issue such subpoenas will level with playing field with the State. Defense counsel has been advised and is informed that the State continues to obtain search warrants, and issue grand jury subpoenas for documents and other materials for use in the investigation and prosecution of the Defendant at the upcoming trial.

Respectfully submitted,



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COLLETON CO GS, REBECCA H. HILL

September 23, 2022  
Columbia, South Carolina

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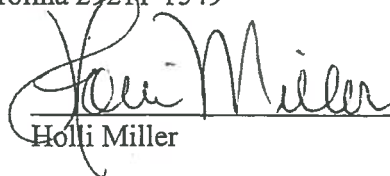
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**CERTIFICATE OF SERVICE**

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 September 23, 2022, I did serve by placing in the U.S. mail, first class postage affixed thereto (with a courtesy copy sent electronically), the following documents to the below mentioned person:

Document: Defendant's Motion for a Forthwith Order and Proposed Order

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

  
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Holli Miller

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