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Mr. S. Creighton Waters, Esq.
SC Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211
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RE: Requested SLED Interviews

Dear Creighton:

As you know, I represent Jurors 785 and 630, and I am writing to you to address the logistics of my clients' future interviews as well as some serious concerns raised by the Attorney General's Office's *Response to Defendant's Motion for a New Trial and Motion to Strike* ("Response").

To begin, in reviewing the response, I am gravely concerned about the Attorney General's Office's failure to redact my client's first name from the "Voluntary Statement" of Juror #572. As a result, Juror #785's unique first name is now published nationwide by various news outlets in conjunction with being "the juror that was ejected from the trial." That bell cannot be unring. The actions of the Attorney General's Office in publishing my client's name potentially violates her privacy and subjects my client to not only unwanted contacts but unknown dangers from third parties obsessed with the Murdaugh case. I am researching the remedy here but encourage your Office to refrain from any further publication of juror names.

Next, I am troubled by the accusation in the Response that Juror #785 was "removed for dishonestly concealing her own improper communications about the case." Response at 1. Respectfully, it is an unnecessary and inflammatory disparagement of a citizen who served as a juror, in fulfillment of a civic duty, putting his or her life on hold through six (6) weeks of trial. As your Office knows, in dismissing Juror #785, Judge Newman made a point to publicly announce he was in no way suggesting that Juror #785 "intentionally did anything wrong, but in order to preserve the integrity of the process and in fairness to all of the parties involved, [he was] going to replace [Juror #785] with one of the [alternate] jurors." Tr. 5741:3-20. Judge Newman also noted that "by all accounts," Juror #785 was "a great juror" who smiled consistently and was attentive throughout the process. Tr. 5741:3-20. The trial judge's findings as to Juror #785 are

clearly at odds with your office's characterization of my client. As stated in your Office's Response, "Jury duty is a cornerstone civic duty, and needless exposure of jurors to litigative stress and impeachment by zealous attorneys, particularly in a case [] with this level [of] public exposure, can only serve to further discourage citizens from willingly participating in this duty." Response p. 6. I could not agree more. The unnecessarily harsh expression of the Attorney General's Office's opinion in its Response, however, can hardly be an encouragement to prospective jurors to serve and faithfully adhere to their oath, as my clients have done in coming forward to share their experience as members of this jury.

Lastly, I appreciate your call last Friday, as well as the two prior calls from SLED, regarding scheduling an interview with my clients. As I previously explained to SLED, and in our call, my clients are agreeable to being interviewed by the appropriate agency about interactions with the Colleton County Clerk of Court during their participation as jurors in the Murdaugh trial. Nonetheless, I am not clear on the purpose of SLED's requested interviews at this early stage—whether as part of a preliminary criminal investigation into jury interference or as part of an effort to assist the Attorney General's Office in diffusing the Murdaugh defense motions. This lack of clarity coupled with the Response's accusatory tone in relation to my clients causes me concern about the objectivity of an investigation conducted by your office.

While I have respect for you as a person and as a litigator, we should be able to agree that the Attorney General's Office, having prosecuted the Murdaugh case for six long weeks, and SLED, having led the Murdaugh investigation, cannot reasonably be neutral in these matters. This is not a criticism but rather a reality of our adversarial system. I note that the Attorney General's Office in its Response included recent juror interviews that are not public and were presumably provided to the Attorney General's Office by SLED. Regardless of the intentions of your Office, it gives the appearance that SLED and the Attorney General's Office are working in coordination in a defense of your successful guilty verdict.

We will await word from the South Carolina Supreme Court for direction about how these matters will be investigated, by what agency, and overseen by whom. Upon those directions, my clients are committed in assisting the appropriate authorities in the investigation and hopefully bring this matter to a speedy resolution. Public confidence in our judicial system and the integrity and assurance of a fair trial should be the goal for all of us.

Thank you, and as soon as we have clarity of process, my clients stand ready to accommodate a request for interview from a nominated and hopefully objective investigator.

Sincerely,

A handwritten signature in black ink, appearing to read "J. McCulloch", with a stylized flourish at the end.

Joseph M. McCulloch

JMM/erg