

**STATE OF SOUTH CAROLINA
COUNTY OF COLLETON**

**COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT**

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

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

**MEMORANDUM IN SUPPORT OF
MOTION TO TRANSFER VENUE**

Defendant Richard Alexander Murdaugh has moved, pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Section 14 of the South Carolina Constitution, and the common-law authority of this Court recognized in *State v. Harvey*, 128 S.C. 494, 122 S.E. 860 (1924), and *State v. Law*, 265 S.C. 111, 217 S.E.2d 22 (1975), for an order transferring venue of the retrial of the above-captioned indictments to a county outside the Fourteenth Judicial Circuit. Mr. Murdaugh respectfully submits this memorandum in support of that motion and respectfully requests that venue be transferred to Charleston County.

The motion rests upon three grounds, each independently sufficient to warrant transfer and together compelling. *First*, this prosecution has generated publicity without precedent in the history of this State—no fewer than seven television documentary series, films, and dramatizations distributed on the Nation’s largest platforms; a podcast that attained the No. 1 ranking in the world; gavel-to-gavel live broadcast of the first trial; and new productions released to the present day—and that publicity has saturated the five counties of the Fourteenth Judicial Circuit, a venue in which Mr. Murdaugh’s family occupied a singular institutional position for the better part of a century and in which the witnesses, the alleged victims of the related financial proceedings, and the institutions of the first trial are concentrated. Under the governing authorities, the saturation of a small venue by prejudicial publicity gives rise to a presumption of prejudice that no assurance

elicited upon voir dire can dispel. *See Sheppard v. Maxwell*, 384 U.S. 333, 362–63 (1966); *Rideau v. Louisiana*, 373 U.S. 723, 726–27 (1963); *Skilling v. United States*, 561 U.S. 358, 382–85 (2010).

Second, whether an impartial jury can be seated in the county of indictment is not a matter of conjecture; the question was tested in January 2023, and the results are of record. Of approximately 900 prospective jurors summoned, fewer than one in seven qualified; exposure to the publicity was effectively universal; and excusals for fixed opinions issued panel after panel. (Trial Tr. 57, 206–11, 289–94.) *Third*, the verdict that trial produced has since been vacated because Colleton County’s own elected Clerk of Court—the constitutional officer charged with summoning, impaneling, and managing the county’s juries—tampered with the jury. The Supreme Court of South Carolina characterized her conduct as “breathtaking and disgraceful,” held that it triggered a presumption of prejudice the State failed to rebut, and reversed. *State v. Murdaugh*, 448 S.C. 1, 29–30, 931 S.E.2d 294, 309–10 (2026) (per curiam). That conduct, her related felony convictions, and the litigation that continues in its wake are inseparable from the courthouse in which any retrial would be conducted and from the office that would summon any Colleton County venire.

No intermediate measure can cure this prejudice. A transfer within the Fourteenth Judicial Circuit under South Carolina Code § 17-21-80 would relocate the trial to counties reached by the same publicity and implicated in the same local events—a course the authorities uniformly condemn. *See Irvin v. Dowd*, 366 U.S. 717, 720, 727 (1961) (transfer to an adjoining county within the same media market held constitutionally inadequate). The selection of a foreign jury under Section 17-21-85 would return imported jurors to the very courthouse, administered by the very office, from which the taint proceeds. The constitutionally sufficient remedy is the one the

Supreme Court has prescribed: transfer “to another county not so permeated with publicity.” *Sheppard*, 384 U.S. at 363.

“No right touches more the heart of fairness in a trial than the right to an impartial jury.” *Murdaugh*, 448 S.C. at 15, 931 S.E.2d at 301 (quoting *Barnes v. Joyner*, 751 F.3d 229, 240 (4th Cir. 2014)). Charleston County—situated in the Lowcountry approximately fifty miles from this courthouse, possessed of a population more than eleven times that of Colleton County and greater than that of the entire Fourteenth Judicial Circuit, and with a demonstrated record of impaneling impartial juries in causes of national prominence—can secure that right while preserving the values of a regional trial. Venue should be transferred to Charleston County.

I. FACTUAL BACKGROUND

A. The Murdaugh Family and the Fourteenth Judicial Circuit

For the better part of a century—from 1920 until 2006—the elected Solicitor of the Fourteenth Judicial Circuit, the chief prosecuting officer for Allendale, Beaufort, Colleton, Hampton, and Jasper Counties, was Mr. Murdaugh’s great-grandfather, grandfather, or father in unbroken succession. The State advised the Supreme Court that Mr. Murdaugh “was a badge-carrying volunteer assistant solicitor at the same office at which his great-grandfather, grandfather, and father had served in the circuit solicitor role for decades.” (Br. of Resp’t at 5, *State v. Murdaugh*, Nos. 2023-000392 & 2024-000576 (citations omitted).) The family’s law firm, Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A. (“PMPED”), was “founded in 1910 by his great-grandfather and bore the name of the prominent family of which [Mr. Murdaugh] was a scion.” (*Id.*) Mr. Murdaugh possessed, in the State’s words, a “big reputation”; he served as president of the South Carolina Association for Justice; and he ranked among the most prominent attorneys in the region. (*Id.*)

The first trial was conducted in a courthouse that is itself a monument to that history. As Judge Newman observed at sentencing, Mr. Murdaugh came “from a respected family who has controlled justice in this community for over a century,” and his “grandfather’s portrait hangs at the back of the courthouse that I had to have ordered removed in order to ensure that a fair trial was had by both the State and the defense.” (Trial Tr. 5885.)

The venire summoned in January 2023 confirmed the depth of the family’s presence in the community. The prospective jurors included the postmaster of the victims’ town, who explained, “I hear a lot of it” (Trial Tr. 59); a first cousin of the young woman killed in the 2019 boat collision involving Mr. Murdaugh’s son (Trial Tr. 59); a venire member whose “grandmother’s side of the family are related down the line . . . to Murdaughs” and whose closest friend had been employed in PMPED’s Hampton office (Trial Tr. 63); venire members whose employers or families had been represented by the Murdaugh firm (Trial Tr. 65–66); a venire member whose father had been sued by Mr. Murdaugh (Trial Tr. 71); a venire member whose fiancé was a law-enforcement officer who responded to the scene of the homicides (Trial Tr. 67–68); a friend of Paul Murdaugh (Trial Tr. 162); prospective jurors who were Mr. Murdaugh’s own cousins (Trial Tr. 211–13); and the daughter of the Clerk of Court herself—of whom the Clerk volunteered, in open court: “She would make a good juror, Judge. We don’t talk a whole lot.” (Trial Tr. 112–13.)

The witness stand was no less local than the jury box. Of the approximately seventy-six witnesses who testified at the first trial, roughly half were law-enforcement or government personnel, including officers of the Colleton County Sheriff’s Office, the Colleton County Coroner, the chief of Colleton County Fire-Rescue, the director of the Hampton County 911 center, a former Hampton County Sheriff, and a Walterboro police officer who was raised alongside Mr. Murdaugh’s son. One Colleton County sheriff’s sergeant acknowledged that he had previously

been called upon to give testimony in a case prosecuted by Mr. Murdaugh's father, then the Solicitor. (Trial Tr. 1382 *et seq.*) The lay witnesses included Mr. Murdaugh's law partners and firm staff; the president of Palmetto State Bank, the Hampton County institution implicated in the related financial proceedings; the family's housekeepers, caregivers, and caretakers, one of whom had served the family for forty-two years (Trial Tr. 4595); and friends and neighbors—no fewer than seven of whom knew Mr. Murdaugh's voice with sufficient familiarity to identify it from a cellular-telephone video. The retrial will require substantially the same witnesses. In any Fourteenth Circuit venire, the jurors and the witnesses will once again be one another's neighbors, relatives, customers, and co-parishioners.

B. Publicity Without Precedent in the History of This State

The murders of Maggie and Paul Murdaugh on June 7, 2021, did not initiate the publicity attending this family; they magnified it beyond all precedent. Mr. Murdaugh's family had been the subject of intense regional and national coverage since the February 2019 boat collision that killed nineteen-year-old Mallory Beach and the wrongful-death litigation that followed. The deaths of Gloria Satterfield and Stephen Smith, the September 2021 roadside shooting episode, Mr. Murdaugh's disbarment, and the dozens of financial-crime indictments—ninety-nine charges were pending against him by the time of the first trial (Br. of Resp't at 3 n.2)—each multiplied the coverage, and each embedded it more deeply within the communities of the Fourteenth Circuit, where the alleged financial victims resided and where the underlying events occurred.

By the time twelve Colleton County jurors were sworn on January 25, 2023, the saturation of the community was complete. The *Murdaugh Murders Podcast*, produced by local podcasters and devoted principally to this case, had attained the No. 1 ranking on Apple Podcasts worldwide in 2021 and would ultimately comprise nearly one hundred episodes. Investigation Discovery had aired *Murdaugh Murders: Deadly Dynasty* (2022). HBO Max had released the three-episode

series *Low Country: The Murdaugh Dynasty* in November 2022—two months before jury selection. During the trial, on February 22, 2023, Netflix released *Murdaugh Murders: A Southern Scandal*, which reached No. 1 on the national streaming charts while the jury was hearing evidence. (See The Wrap, Netflix’s “Murdaugh Murders” Hits No. 1 as Real-Life Trial Comes to a Close (Mar. 2023).) The trial itself was broadcast gavel-to-gavel, with a network camera stationed in the courtroom (Trial Tr. 5744), and the verdict was carried live throughout the country. Jurors granted television interviews within days of the verdict, disclosing, among other things, that actual deliberations had consumed less than one hour. (Final Br. of Appellant at 19–20.)

The publicity has not merely persisted since the verdict; it has compounded. The Clerk of Court published a book concerning the trial five months after its conclusion, earning approximately \$100,000 in six months before the book was withdrawn amid allegations of plagiarism. (Final Br. of Appellant at 20, 25; R. 7393.) Netflix released a second season in September 2023; Lifetime released a made-for-television film in 2023; Hulu released a scripted dramatization, *Murdaugh: Death in the Family*, in 2025; and Netflix released a further documentary, *Instadocs: Alex Murdaugh, Unconvicted*, in 2026. The Supreme Court’s May 13, 2026, reversal received worldwide coverage. And when this Court convened a status conference on June 30, 2026—a routine scheduling hearing—spectators assembled outside the Lexington County courthouse, displayed signs, and advised reporters that they had followed the case through streaming documentaries and podcasts, while members of the clergy conducted a protest outside the building. (See WIS-TV, Crowds Gather Outside Lexington County Courthouse as Murdaugh Retrial Date Set (June 30, 2026); ABC News 4, Alex Murdaugh Retrial Date Set for April 2027 as State and Defense Mull Change of Venue (June 29, 2026).)

The coverage is not an abstraction to the community that would supply a Colleton County venire. During voir dire, counsel observed that a prospective juror “gets her information from the Murdaugh Murders Podcast,” a program that had “already convicted Mr. Murdaugh over and over and over again.” (Trial Tr. 149–50.) A local social-media forum styled “Walterboro Word of Mouth” figured in the mid-trial removal of a sworn juror. (Trial Tr. 5710.) The first trial occasioned threats: in its final week, defense counsel reported to the Court that his office had received an armed threat that morning, observing, “people are crazy about this case.” (Trial Tr. 5532.) The trial court itself remarked, “this is a small town and . . . people apparently just do a lot of gossiping about this stuff.” (Trial Tr. 5540–41.)

C. The 2023 Voir Dire Demonstrated Complete Saturation of the Colleton County Jury Pool

Jury selection in January 2023 furnished an empirical record—now a matter of transcript—of whether Colleton County can produce an impartial jury in this case. Approximately 900 prospective jurors were summoned and processed in four panels over two days. Only 123 emerged qualified—fewer than one in seven. (Trial Tr. 289–94.) From that number, a strike sheet of eighty was drawn, and twelve jurors and six alternates were selected. (Trial Tr. 398–408.)

The panels’ responses depicted a community not merely acquainted with the case but immersed in it. After asking which members of the first panel had heard, read, or learned anything about the case, and then directing those who had not stood to stand, the Court observed: “It appears that everyone stood.” (Trial Tr. 57.) In the second panel, only six members had never heard of the case. (Trial Tr. 102.) In the fourth panel, seventeen jurors acknowledged having formed an opinion concerning the case, and fifteen were excused because their opinions were fixed. (Trial Tr. 206–11.) Venire members identified their sources: “documentaries” (Trial Tr. 59–60); “Crime Watch, YouTube, podcasts” (Trial Tr. 57); “Channel 5 in Charleston” (Trial Tr. 58); Dateline

(Trial Tr. 103); “Facebook and the Internet” (Trial Tr. 57); the “Post and Courier” and “FitsNews” (Trial Tr. 202); “News, social media, and grapevine” (Trial Tr. 58); “All the news I can read” (Trial Tr. 60).

The State’s own examination during voir dire conceded the two facts that control the present motion. Repeatedly, the prosecutor prefaced his questions: “Obviously this case has gotten a lot of publicity and it’s a small community” (Trial Tr. 188); “This case is unusual in that there’s been so much publicity” (Trial Tr. 135); “this case has a lot of connections in the community” (Trial Tr. 247); “this case has had a lot of publicity, and it’s a small community” (Trial Tr. 279). Prospective jurors responded in kind. One, asked whether she could set aside what she had heard, answered: “I can’t make that promise, to be honest.” (Trial Tr. 135.) Another: “I just don’t think so. No, I don’t think I can be. Sorry.” (Trial Tr. 141.) A third: “I think he did it. I don’t see any other options of who could have done it. I grew up out in Sniders and there’s not a lot of murderers running around there.” (Trial Tr. 271.)

D. The First Verdict Was Destroyed From Within the Colleton County Courthouse

The Clerk of Court of Colleton County is an elected constitutional officer whose statutory duties include summoning, impaneling, and managing the county’s juries. *See* S.C. Const. art. V, § 24; S.C. Code Ann. tit. 14, ch. 7. At the first trial, Clerk Rebecca Hill exploited that custody of the jury. She had planned a book concerning the trial before it commenced and stated to colleagues during trial that a guilty verdict “would sell more books” and that she “needed a lake house.” (R. 7441–43.) As the defense began its case, she admonished jurors not to be “fooled” by the defense evidence; as Mr. Murdaugh prepared to testify, she instructed jurors to “watch him closely” and to observe “his actions” and “his movements”; and she remarked to jurors that deliberations

“shouldn’t take long.” (See Final Br. of Appellant at 20–27 (record citations).) The jury convicted on all counts after deliberating less than one hour. (*Id.* at 19–20.)

Following an evidentiary hearing conducted in Richland County, retired Chief Justice Toal found that Ms. Hill was “not completely credible as a witness,” that she “was attracted by the siren call of celebrity,” that she had expressed her desire for a guilty verdict because it would promote her book, and that she “allowed public attention of the moment to overcome her duty.” (R. 7511–12.) On May 13, 2026, our unanimous Supreme Court reversed the denial of the motion for a new trial. The Court held that Ms. Hill’s conduct triggered the presumption of prejudice recognized in *Remmer v. United States*, 347 U.S. 227 (1954), which the State failed to rebut. It found that Ms. Hill “became a character witness on behalf of the State, encouraging the jurors to question Murdaugh’s credibility,” and that “[b]y urging the jurors not to be fooled or convinced by Murdaugh’s defense, Hill essentially implored the jurors to find him guilty, the ultimate issue in the case.” *Murdaugh*, 448 S.C. at 24–25, 931 S.E.2d at 306. It further, appropriately found that “[t]he breathtaking and disgraceful effort of Hill to undermine the jury process is unprecedented in South Carolina.” *Id.* at 29, 931 S.E.2d at 309.

Ms. Hill resigned from office on March 25, 2024. On December 8, 2025, she pleaded guilty to obstruction of justice, perjury, and two counts of misconduct in office, admitting, among other things, that she had displayed sealed crime-scene photographs from this case to members of the media and thereafter testified falsely concerning her conduct. *State v. Hill*, No. 2025-GS-40-05080 (Richland Cnty. Gen. Sess.); see CNN, *Becky Hill, Court Clerk Who Helped with Alex Murdaugh’s Trial, Pleads Guilty to Showing Sealed Exhibits* (Dec. 8, 2025). Her prosecution, like the tampering hearing that preceded it, was conducted outside the Fourteenth Circuit; and this Court has likewise situated the current pretrial conferences in Lexington County in view of its

courtroom, security, and media accommodations. (See *WIS-TV, supra.*) Every consequential proceeding in this case since March 2023 has already been relocated outside Colleton County. Only the trial itself—the proceeding for which impartiality matters most—remains assigned there.

The significance of these events for the present motion is not confined to the fact that jury tampering occurred. It is that the tampering was committed by the county’s own elected custodian of its juries, animated by the celebrity this case confers within this community; that her conduct has itself become a second wave of saturating local publicity—a book, felony prosecutions, national headlines, and a documentary titled for the result; and that any Colleton County venire would be summoned by the same office, administered in the same courthouse, and drawn from the same community in which Ms. Hill lived, campaigned, served, and fell into disgrace. That is a distinctly local stratum of taint borne by no other county in South Carolina.

II. LEGAL STANDARD

A. The Constitutional Guarantee of an Impartial Jury and the Presumption of Prejudice Arising from Community Saturation

The Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 14 of the South Carolina Constitution guarantee to the criminally accused “a fair trial by a panel of impartial, ‘indifferent’ jurors.” *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *accord Groppi v. Wisconsin*, 400 U.S. 505, 509 (1971). Where prejudicial publicity threatens that guarantee, the remedy is prescribed: “where there is a reasonable likelihood that prejudicial news prior to trial will prevent a fair trial, the judge should continue the case until the threat abates, or transfer it to another county not so permeated with publicity.” *Sheppard v. Maxwell*, 384 U.S. 333, 362–63 (1966). In extreme cases, prejudice is presumed from the circumstances themselves, without regard to the jurors’ professions of impartiality: in *Rideau v. Louisiana*, 373 U.S. 723 (1963), the Supreme Court reversed “without pausing to examine a particularized transcript of the voir dire,”

id. at 727, and, as the Court later explained, “[o]nly a change of venue was constitutionally sufficient to assure the kind of impartial jury that is guaranteed by the Fourteenth Amendment.” *Groppi*, 400 U.S. at 510–11; *see also Estes v. Texas*, 381 U.S. 532 (1965); *Irvin*, 366 U.S. at 727–28. In assessing presumed prejudice, courts weigh, among other considerations, the size and characteristics of the community, whether the publicity contained blatantly prejudicial information such as a confession, the interval between the publicity and the trial, and the conduct and outcome of any prior jury proceedings. *See Skilling v. United States*, 561 U.S. 358, 382–85 (2010).

Courts throughout the Nation have applied these principles to require transfer where publicity saturates a small community. The Eleventh Circuit has held that where publicity “so pervades or saturates the community as to render virtually impossible a fair trial by an impartial jury drawn from that community, ‘[jury] prejudice is presumed and there is no further duty to establish bias.’” *Coleman v. Kemp*, 778 F.2d 1487, 1490 (11th Cir. 1985) (granting habeas relief where publicity saturated a rural Georgia county). The Supreme Court of North Carolina has directed that a venue motion “should be granted when [the defendant] establishes that it is reasonably likely that prospective jurors would base their decision in the case upon pretrial information rather than the evidence presented at trial,” and reversed a conviction obtained in “a small, rural and closely-knit county where the entire county was, in effect, a neighborhood.” *State v. Jerrett*, 309 N.C. 239, 307 S.E.2d 339, 343–44, 347 (1983). The Supreme Court of California requires transfer whenever “there is a reasonable likelihood that in the absence of such relief, a fair trial cannot be had,” weighing the gravity of the offense, the nature and extent of the publicity, the size of the community, the status of the accused, and the prominence of the victims, *Martinez v. Superior Court*, 29 Cal. 3d 574, 577–83, 629 P.2d 502 (1981); *Maine v. Superior Court*, 68 Cal. 2d 375, 383, 438 P.2d 372 (1968), and has observed that “[i]n a small town, in contrast to a large

metropolitan area, a major crime is likely to be embedded in the public consciousness with greater effect and for a longer time,” *Martinez*, 29 Cal. 3d at 581. The Supreme Court of Mississippi holds that transfer “ordinarily should be granted where, under the totality of the circumstances it appears reasonably likely that, in the absence of such relief, the accused’s right to a fair trial may be lost,” *Fisher v. State*, 481 So. 2d 203, 220 (Miss. 1985), for “[a] venire drawn from a fair cross-section of the community in theory and in fact is supposed to, and generally will, represent that community and reflect the biases and prejudices of that community,” *id.* at 215.

B. Interference by Officers of the Court

A distinct line of authority governs influences upon the jury emanating from officers of the State. “[A]ny private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial,” and “[t]he burden rests heavily upon the Government” to establish that the contact was harmless. *Remmer*, 347 U.S. at 229. Where the source of the influence is an official of the court, the prejudice is gravest: “the official character of the bailiff—as an officer of the court as well as the State—beyond question carries great weight with a jury.” *Parker v. Gladden*, 385 U.S. 363, 365 (1966) (per curiam). Our Supreme Court applied that principle in reversing the conviction in this case, holding that Ms. Hill’s “position as the Colleton County Clerk of Court, an officer of the court who managed the trial and was the primary caretaker of the jury, amplified the impact [her] comments had on the jury.” *Murdaugh*, 448 S.C. at 28–29, 931 S.E.2d at 308; *see also Turner v. Louisiana*, 379 U.S. 466, 473 (1965) (reversing where jurors experienced “a continuous and intimate association throughout a three-day trial” with sheriff’s deputies who were principal prosecution witnesses). These authorities bear directly upon venue, because the interference in this case emanated from the very county institutions that would summon, manage, and attend any retrial jury in Colleton County.

C. South Carolina Procedure Governing Transfer of Venue

South Carolina Code § 17-21-80 authorizes the transfer of a criminal prosecution to another county upon a showing, supported by affidavit, that “a fair and impartial trial cannot be had in the county where such action or prosecution was commenced.” Where the prejudice extends beyond the circuit, this Court possesses common-law authority, recognized in *State v. Harvey*, 128 S.C. 494, 122 S.E. 860 (1924), and *State v. Law*, 265 S.C. 111, 217 S.E.2d 22 (1975), to transfer the cause to a county in which the constitutional guarantee may be honored. Section 17-21-85 separately permits the selection of a jury in another county with trial in the county of indictment, and directs the court, in electing between that procedure and a change of venue, to weigh the comparative costs and the best interests of justice. A motion to change venue is committed to the sound discretion of the trial court. *State v. Caldwell*, 300 S.C. 494, 388 S.E.2d 816 (1990); *State v. Tucker*, 324 S.C. 155, 478 S.E.2d 260 (1996); see *State v. Evins*, 373 S.C. 404, 645 S.E.2d 904 (2007).

Ordinarily, “mere exposure” to publicity does not disqualify a venire member, and voir dire is the instrument by which impartiality is tested. *Caldwell*, *supra*. But the assurances of prospective jurors are not talismanic—the law has long recognized “the influence that lurks in an opinion once formed,” *Irvin*, 366 U.S. at 727—and where the record demonstrates that voir dire cannot perform its office, transfer is the constitutionally prescribed remedy. *State v. Manning*, 329 S.C. 1, 495 S.E.2d 191 (1997), holds that a transfer imposed upon an objecting defendant in advance of voir dire requires evidence of actual juror bias—a rule that safeguards the defendant’s own interest in the vicinage and has no application where, as here, Mr. Murdaugh himself petitions for transfer upon a fully developed record. And *State v. Woods*, 382 S.C. 153, 676 S.E.2d 128 (2009), confirms that upon retrial following the termination of a prior trial, the question of venue may be determined anew. The 2023 proceedings impose no constraint upon the relief sought.

III. ARGUMENT

A. **No Jury Drawn from Colleton County or Elsewhere in the Fourteenth Judicial Circuit Can Provide the Impartiality the Constitution Requires.**

1. Every consideration that defeats presumed prejudice in the ordinary case affirmatively establishes it here.

Skilling identifies the considerations that distinguish ordinary publicity from publicity that presumptively denies due process, and each consideration in this case points in the direction opposite to *Skilling* itself. See 561 U.S. at 382–85.

Size and characteristics of the community. In *Skilling*, the Court emphasized that more than 4.5 million persons were eligible for jury service in the Houston area, rendering it “hard to sustain” a presumption that twelve impartial jurors could not be found. 561 U.S. at 382. Colleton County has 39,382 residents—of all ages—and the entire Fourteenth Judicial Circuit fewer than 310,000. (U.S. Census Bureau, QuickFacts Population Estimates (July 1, 2025): Charleston County, 436,200; Colleton County, 39,382; Allendale County, 7,355; Hampton County, 18,174; Jasper County, 38,533; Beaufort County, approximately 205,000.) In *Rideau*, by contrast, prejudice was presumed in a parish of approximately 150,000—nearly four times the population of Colleton County. In *Coleman*, the Eleventh Circuit presumed prejudice in Seminole County, Georgia, whose population of approximately 7,000 approximated that of Allendale County in this Circuit. 778 F.2d at 1490. And as the Supreme Court of California has observed, “[i]n a small town, in contrast to a large metropolitan area, a major crime is likely to be embedded in the public consciousness with greater effect and for a longer time.” *Martinez*, 29 Cal. 3d at 581. The State articulated the difficulty at the first trial, advising venire member after venire member: “this case has had a lot of publicity, and it’s a small community.” (Trial Tr. 188, 279.)

Blatantly prejudicial content. In *Skilling*, the decisive consideration was that the publicity contained “no confession or other blatantly prejudicial information of the type readers or viewers

could not reasonably be expected to shut from sight.” 561 U.S. at 382–83. Here, the community watched the first trial itself, live and in its entirety—including six days of financial-crimes testimony and Mr. Murdaugh’s own cross-examination concerning years of takings from clients. The Supreme Court’s remand opinion directs that, should such evidence be admitted at all upon retrial, “the State must complete its introduction of that evidence efficiently without the lengthy presentation of inflammatory details with little to no probative value that was permitted in the first trial.” *Murdaugh*, 448 S.C. at 38, 931 S.E.2d at 313. Yet every prospective juror in Colleton County enjoyed unrestricted, contemporaneous access to that evidence in 2023—broadcast gavel-to-gavel and replayed since in documentaries, dramatizations, and a chart-topping podcast. A Fourteenth Circuit venire has, in a real sense, already received the very proof the retrial jury must not consider. *Rideau* condemned precisely this circumstance: where the community has already witnessed the substance of the State’s case outside of court, “[a]ny subsequent court proceedings in a community so pervasively exposed to such a spectacle could be but a hollow formality.” 373 U.S. at 726.

Passage of time. In the ordinary case, publicity crests at the offense and subsides by trial. Here the trajectory is the reverse: the offense (2021) was followed by the broadcast trial (2023), the Clerk’s book (2023), the tampering hearing (2024), the Clerk’s guilty plea (2025), a scripted national dramatization (2025), the Supreme Court’s reversal (2026), a further documentary (2026), and a retrial now scheduled for April 2027 that will itself constitute an international media event. When a scheduling conference in June 2026 drew crowds, signs, and protests to a courthouse in a distant county (WIS-TV, *supra*), it cannot seriously be maintained that the attention will have abated by the time of trial.

The prior verdict. In *Skilling*, the jury’s acquittal of the defendant on multiple counts “belied” any suggestion of pervasive prejudice. 561 U.S. at 383–84. Here, the only jury Colleton County has produced in this case convicted on all counts after less than one hour of deliberation—a verdict the Supreme Court has vacated as the product of external influence exerted by the county’s own clerk. The single empirical test of Colleton County’s capacity to render an untainted verdict in this case has failed.

2. *Voir dire—the ordinary safeguard—has already been tested in Colleton County, and it failed.*

Caldwell and its progeny rest upon the premise that searching voir dire can distill an impartial jury from an exposed venire. January 2023 subjected that premise to examination under conditions as favorable as they will ever be: roughly 900 citizens summoned, two days of qualification, individual examination of exposed jurors, and a conscientious trial judge. Even so, every member of the first panel had heard of the case (Trial Tr. 57); excusals for fixed opinions issued by the dozen (Trial Tr. 206–11); fewer than one in seven of those summoned qualified (Trial Tr. 289–94); and the jury that emerged did not decide the case free of external influence, *Murdaugh*, 448 S.C. at 29–30, 931 S.E.2d at 309–10.

The comparison to *Irvin* is instructive. There, the Supreme Court reversed where approximately ninety percent of the venire members examined “entertained some opinion as to guilt” and eight of the twelve seated jurors “thought petitioner was guilty.” 366 U.S. at 727. The January 2023 venire equaled or exceeded those proportions: in the first panel, exposure was unanimous. In *Jerrett*, the Supreme Court of North Carolina found reversible error where approximately one-third of the potential jurors knew the victim’s family in a county that “was, in effect, a neighborhood.” 307 S.E.2d at 343–44, 347–48. The Colleton County panels included not merely acquaintances of the participants but Mr. Murdaugh’s own relations, the Clerk of

Court's daughter, and the boat-collision victim's cousin. Three additional years of saturation—including the broadcast of the trial itself and the courthouse scandal that followed—have only deepened the exposure. To anticipate a different result from the same community would be to indulge an expectation the record forecloses.

3. *The prejudice in the Fourteenth Circuit is personal and structural, not merely informational.*

In every county in the United States, prospective jurors will have heard of this case. What distinguishes the Fourteenth Circuit is not that its citizens have heard of the case, but that they have lived it. As the Supreme Court of Mississippi has recognized, a venire “drawn from a fair cross-section of the community . . . will . . . represent that community and reflect the biases and prejudices of that community.” *Fisher*, 481 So. 2d at 215. The community whose sentiments a Fourteenth Circuit venire would reflect is one in which the venire is related to the parties, the victims, and the witnesses; in which the witnesses are the community's own institutions—its sheriff's office, coroner, fire chief, 911 directors, bank president, and the region's preeminent law firm; and in which the victims of the related financial proceedings—the State presented evidence at the first trial of more than \$9 million taken from clients (Final Br. of Appellant at 17)—are local families whose losses reshaped the community's bank and law firm.

The circumstance recalls *United States v. McVeigh*, 918 F. Supp. 1467 (W.D. Okla. 1996), in which the court transferred the Oklahoma City bombing prosecution out of Oklahoma altogether upon finding that the State's residents so identified with the victims that they could not serve as detached arbiters: “[T]here is so great a prejudice against these two defendants in the State of Oklahoma that they cannot obtain a fair and impartial trial at any place fixed by law for holding court in that state.” *Id.* at 1474. The Fourteenth Judicial Circuit stands in a comparable relation to this case: its families were the alleged victims of the collateral offenses, its institutions were the

instruments and casualties of the alleged schemes, and its citizens would sit in judgment of the most consequential local narrative of their generation, under the observation of neighbors who have long since reached their own verdicts—and in the shadow of the armed threats and “gossiping” that attended the first trial. (Trial Tr. 5532, 5540–41.) See *McVeigh*, 918 F. Supp. at 1473 (trust in jurors’ impartiality “diminishes when the prior exposure is such that it evokes strong emotional responses or such an identification with those directly affected by the conduct at issue that the jurors feel a personal stake in the outcome,” or where “identification with a community point of view” instills “a sense of obligation to reach a result which will find general acceptance in the relevant audience”); cf. *People v. Boss*, 261 A.D.2d 1, 7, 701 N.Y.S.2d 342 (1st Dep’t 1999) (per curiam) (voir dire cannot readily determine “whether [jurors] could face their friends and neighbors in the event of an acquittal”).

4. *A retrial in the Colleton County courthouse would compromise both the fact and the appearance of impartial justice.*

“[J]ustice must satisfy the appearance of justice.” *Offutt v. United States*, 348 U.S. 11, 14 (1954). The concern reaches its apex where the threat to impartiality emanates from officers of the court. In *Turner*, the constitutional violation lay in the jury’s “continuous and intimate association” with state actors aligned with the prosecution, 379 U.S. at 473; in *Parker*, in the “official character” of a court officer whose words “beyond question carr[y] great weight with a jury,” 385 U.S. at 365. In Colleton County, the association between the jury and the tainted institution is not episodic but structural: the venire is summoned, organized, and managed by the very clerk’s office whose former principal was found by the Supreme Court to have tampered with the last jury in this case, and who has since been convicted of perjury and misconduct in office arising from this case. As the Supreme Court observed, Ms. Hill “was elected by the very people who make up the Colleton County jury pool.” *Murdaugh*, 448 S.C. at 29, 931 S.E.2d at 308.

Nor is the office the only local fixture implicated. The Colleton County courthouse is the building in which Mr. Murdaugh's grandfather's portrait was ordered removed so that the first trial might proceed (Trial Tr. 5885); in which sealed crime-scene photographs were displayed to journalists from within the well of the court; and into which the local rumor mill reached a sworn juror. A second trial in the same building, administered by the same office, before a venire drawn from the same community, would commence beneath a cloud that no instruction could dispel—whatever its verdict. Judge Newman stated the matter with economy at the close of the first trial: “We might have worn out our welcome here in Colleton.” (Trial Tr. 5890.)

5. *The taint extends to every county in the Circuit, and authority uniformly condemns merely adjacent transfers.*

Transfer within the Circuit under Section 17-21-80 would accomplish nothing. Hampton County is the family's seat and PMPED's home; the firm's Hampton office and Palmetto State Bank—both prominent in the evidence—are pillars of a county of 18,174 persons. Beaufort County was the situs of the boat collision, the related prosecution of Paul Murdaugh, and the Beach wrongful-death litigation. Allendale County has 7,355 residents; Jasper County, 38,533. (U.S. Census Bureau, *supra*.) All five counties were served for three generations by a Solicitor named Murdaugh; all five lie within the same media and social orbit that produced the 2023 venire; and the documentaries that shaped public opinion were researched and filmed among them.

The authorities uniformly condemn the adjacent transfer as a remedy for saturation. In *Irvin*, venue had already been moved once—to an adjoining county served by the same media—and the Supreme Court held the transfer constitutionally inadequate, the publicity having “highly prejudiced the inhabitants” of the transferee county as well. 366 U.S. at 720, 727. In *Fisher*, the Supreme Court of Mississippi directed that retrial occur in a county “substantially outside the coverage area” of the saturating media. 481 So. 2d at 220–21. And in *McVeigh*, the court rejected

an intra-state transfer to Tulsa in favor of removal from the State entirely. 918 F. Supp. at 1470–74. A transfer from Walterboro to Hampton, Beaufort, Ridgeland, or Allendale would replicate the error *Irvin* condemned: a new courtroom within the same saturated community.

B. Selection of a Foreign Jury Under Section 17-21-85 Would Not Cure the Prejudice, and the Premise Underlying That Alternative Is Absent from This Case.

The Court could, in theory, select a jury in another county and transport it to Walterboro for trial. That intermediate measure is inadequate here for three reasons. *First*, the courthouse and the community atmosphere—the crowds, the threats, the “Walterboro Word of Mouth,” the notoriety attached to the building itself—are themselves components of the prejudice. To import jurors into that atmosphere for a trial expected to consume weeks would maximize, rather than minimize, their exposure, and would as a practical matter require sequestration, at substantial cost to the jurors and the public. *Second*, the administration of the trial would remain with the clerk’s office whose former principal’s conduct necessitated reversal—an infirmity of appearance that no procedure can cure. *Third*, the statute directs the Court to weigh cost and the interests of justice in electing between a foreign jury and a change of venue; a weeks-long sequestration of an imported jury in a county of limited facilities is at once the most expensive and the least protective alternative available.¹ This case has, as a practical matter, already outgrown Colleton County: the tampering hearing was conducted in Richland County, the Clerk was prosecuted in Richland County, and this Court has situated pretrial proceedings in Lexington County for reasons of courtroom capacity, security, and media logistics. (See *WIS-TV*, *supra*.) The trial—the largest

¹ Sequestration might be necessary in a case in which the previous verdict was overturned due to improper external influence on the jury, but the venue should allow the Court to decide whether sequestration is needed rather than forcing it upon the Court.

and most sensitive proceeding of all—should not be the sole proceeding compelled to return to the forum every other proceeding has been obliged to leave.

The statutory architecture itself confirms the conclusion. The mechanisms of Sections 17-21-80 and 17-21-85—transfer within the circuit, or the importation of a foreign jury to the county of indictment—reflect the ordinary structure of criminal justice in South Carolina, in which the authority of the principal officers of the court is confined to the circuit: prosecutions are ordinarily conducted by the circuit solicitor elected within the circuit, *see* S.C. Const. art. V, § 24, and trials are ordinarily presided over by judges assigned to the circuit’s terms of court. Where the authority of those officers is circuit-bound, keeping the trial within the circuit—or bringing a foreign jury to it—preserves the ordinary allocation of judicial and prosecutorial responsibility while mitigating local prejudice. That premise is absent from this case. The judge now presiding sits not by virtue of assignment to the Fourteenth Circuit’s terms of court, but by designation of the Chief Justice to preside over this case, *see* S.C. Const. art. V, § 4 (the Chief Justice, as administrative head of the unified judicial system, may assign any judge to sit in any court of the State); Order of Assignment, June 8, 2026, and her commission accompanies the case wherever it is heard. The prosecution, in turn, is conducted not by the Solicitor of the Fourteenth Circuit but by the Office of the Attorney General, “the chief prosecuting officer of the State,” whose authority is statewide. S.C. Const. art. V, § 24. Neither the court nor the prosecution derives its mandate from Colleton County. The only participants in this trial whose situs remains genuinely at issue are the jurors.

That observation exposes the practical illogic of the Section 17-21-85 alternative in this case. Were the Court to direct the selection of a foreign jury from outside the Fourteenth Circuit, that jury would likely be drawn from Charleston County—the nearest county of adequate size beyond the Circuit’s borders. The statute would then require transportation of Charleston jurors

to a small courthouse far from their homes for no continuing institutional reason: neither the presiding judge nor the prosecuting authority holds an office tied to that venue, and the jurors themselves would not be drawn from it. Where the judge is commissioned for the case rather than for the circuit and the prosecutor for the State rather than for the county, nothing recommends conveying a foreign jury to Walterboro rather than holding trial in the county from which the jury is drawn. The sensible course—and the course that the statute’s own directive to weigh expense and “the best interests of justice” prescribes—is not to bring the jury to the case, but to bring the case to the jury.

C. Venue Should Be Transferred to Charleston County.

1. Charleston County affords a venire equal to this case.

Charleston County has 436,200 residents—more than eleven times the population of Colleton County, and more than the five counties of the Fourteenth Judicial Circuit combined. (U.S. Census Bureau, *supra*.) A venire drawn from that population can absorb what this case will demand: extensive hardship excusals incident to a lengthy trial, liberal excusal of every venire member holding a fixed opinion, and the elimination of every venire member with any personal connection to the parties, witnesses, or victims—all without exhausting the pool or pressing the Court toward the rehabilitation of marginal jurors. In a county of 39,000, the limited depth of the jury pool constrains the administration of voir dire; in a county of 436,000, it does not.

2. Charleston County preserves the values of a local trial while curing the local prejudice.

Charleston is the principal city of the South Carolina Lowcountry, approximately fifty miles from Walterboro. Trial there would retain the case within the same region of the State—before a jury of the coastal community that the vicinage principle contemplates—and would impose the least travel burden of any adequate venue upon the scores of witnesses residing in Colleton, Hampton, Beaufort, and Charleston Counties, thereby minimizing the expense the venue

statutes direct the Court to consider. *See* S.C. Code Ann. §§ 17-21-85, 17-21-90. Certain figures in the existing record are already Charleston-based—a Charleston County Sheriff’s Office forensic examiner, for example, assisted the investigation—but their connections to the case are arm’s-length. That is the distinction of consequence: Charleston County has no Murdaugh dynasty; no Murdaugh ever served as its prosecutor; the family’s firm occupies no position in its civic life; none of the financial-crime victims, local institutions, or courthouse personnel entangled in this case are Charleston’s own; and its clerk’s office bears no connection to the events that consumed the first verdict. *Cf. Boss*, 261 A.D.2d at 8 (“[W]ithin reasonable limits, the community to which the trial is transferred should reflect the character of the county where the crime was committed.” (quoting *People v. Goldswor*, 39 N.Y.2d 656, 663 (1976))).

3. *Charleston County has demonstrated its capacity to impanel impartial juries in causes of national prominence.*

Charleston County’s courts have performed the very task this case requires, under comparable scrutiny. In 2016, a Charleston County jury was impaneled for the murder trial of Michael Slager notwithstanding the worldwide broadcast of video of the shooting, and the county’s courthouse administered a five-week trial under sustained national media attention. (*See* ABC News, *Jury Selected in Murder Trial for Former South Carolina Cop Michael Slager* (Nov. 2016).) Shortly thereafter, the federal courts conducted the capital trial of Dylann Roof in Charleston, impaneling a jury amid publicity of an intensity rarely equaled in the modern history of this State. *See United States v. Roof*, No. 2:15-cr-00472 (D.S.C.) (jury impaneled in Charleston in December 2016; verdict returned January 2017). Charleston’s courthouse facilities, security resources, media accommodations, lodging, and transportation infrastructure are proven. The considerations that led this Court to situate pretrial hearings in Lexington County rather than Walterboro—courtroom

capacity, security, and media logistics (*see* WIS-TV, *supra*)—apply with equal or greater force to the trial itself, and Charleston County satisfies each of them.

4. *Charleston County can host this trial without disruption to the operations of its courts or the life of its community.*

The capacity of the transferee forum bears directly upon the weighing of cost and the interests of justice that the venue statutes prescribe. *See* S.C. Code Ann. §§ 17-21-85, 17-21-90. The Charleston County Judicial Center at 100 Broad Street houses the county’s Circuit Court and Family Court in 16 courtrooms, permitting multiple terms of court to proceed simultaneously, with the main Magistrate’s Court located in an entirely separate adjacent building. The dedication of a single courtroom (or even multiple courtrooms) to this trial for a period of weeks would accordingly leave the remainder of the county’s civil and criminal dockets relatively undisturbed. No other courthouse in the region possesses comparable depth.

The same is true of the community beyond the courthouse. The retrial will draw national and international media organizations, their production apparatus, and a substantial number of interested visitors for a period of weeks. Charleston County receives approximately 7.9 million visitors annually, sold nearly five million hotel-room nights in 2024 alone, and is served by an international airport handling more than six million passengers per year. (*See* Charleston City Paper, Charleston Tourism Industry Generates a Record \$14 Billion in 2024 (May 14, 2025) (figures compiled by the College of Charleston Office of Tourism Analysis).) Its hospitality infrastructure can lodge, transport, and accommodate the influx attending this trial as a matter of routine—without displacing residents, straining local services, or transforming the seat of trial into the spectacle that *Sheppard* and *Estes* condemn. The county seat of Walterboro underwent precisely that transformation during the first trial; a community of Charleston’s scale would absorb the same influx as an ordinary incident of its civic life.

Nor would the transfer be imposed upon an unwilling host. Counsel for Mr. Murdaugh have conferred with the Clerk of Court for Charleston County, Julie J. Armstrong, who has advised that hosting the trial would create no issues for Charleston County. (Aff. of Richard A. Harpootlian, attached as **Exhibit A**.) The forum that would receive this case stands ready to receive it.

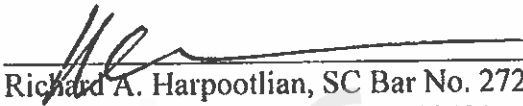
5. *Publicity in Charleston County presents no obstacle to the transfer.*

Mr. Murdaugh does not suggest that Charleston County jurors will be strangers to this case; a 2023 venire member in Walterboro identified “Channel 5 in Charleston” among his sources (Trial Tr. 58), and no county in the United States has been untouched by the coverage. But the law has never demanded ignorance. “It is not required . . . that the jurors be totally ignorant of the facts and issues involved.” *Irvin*, 366 U.S. at 722; *accord Caldwell, supra*. When the courts of New York confronted a case that had been “deluged by a tidal wave of prejudicial publicity to such an extent that even an attempt to select an unbiased jury would be fruitless,” the Appellate Division held that although a pretrial change of venue “is an extraordinary remedy reserved for the rarest of cases,” the *Diallo* prosecution was “that rare case,” and transferred the trial from the Bronx to Albany County. *Boss*, 261 A.D.2d at 2–4. This is such a case. What the law requires is a community in which voir dire can perform its office—in which twelve jurors and alternates may be found who know the case only from the news, hold no fixed opinion, and bear no personal stake, connection, or apprehension of their neighbors’ judgment. The 2023 record establishes that Colleton County is not that community; Charleston County is. “The prisoner, whether guilty or not, is unquestionably entitled by the law of the land to have a fair and impartial trial.” *Maine*, 68 Cal. 2d at 384. The distinction between Charleston County and the Fourteenth Judicial Circuit is not the distinction between ignorance and knowledge; it is the distinction between a community that has observed this case from a distance and a community that inhabits it.

IV. CONCLUSION

For the foregoing reasons, and for the reasons set forth in the motion, Mr. Murdaugh respectfully requests that the Court enter an order transferring venue of the trial of the above-captioned indictments to the Court of General Sessions for Charleston County.

Respectfully submitted,



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Attorneys for Richard Alexander Murdaugh

AUG 7 2026 PM4:05
COLLETON CO GS, GARY HALE

August 7, 2026
Columbia, South Carolina.

EXHIBIT A

(Affidavit of R. Harpootlian)

AUG 7 2026 PM4:05
COLLETON CO GS, GARY HALE

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

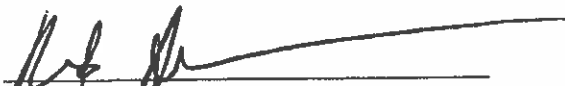
Indictment Nos. 2022-GS-15-00592, -593,
-594, and -595

AFFIDAVIT OF RICHARD A.
HARPOOTLIAN

PERSONALLY APPEARED BEFORE ME, I, Richard A. Harpootlian, affirm
the statements below are truthful:

1. On June 29, 2026, I spoke with Julie J. Armstrong, Charleston County Clerk of Court.
2. The purpose of my call to Clerk Armstrong was to seek her opinion on whether her court administration and the Charleston County judicial center could accommodate a trial of this magnitude.
3. Clerk Armstrong indicated there would be no issues accommodating the Murdaugh trial, and specifically mentioned the State v. Michael Slager trial in our conversation as an example of the efficiencies of her staff and the facilities.

FURTHER AFFIANT SAYETH NOT.


Richard A. Harpootlian

SWORN TO BEFORE ME

This 17th day of August, 2026.


Notary Public for South Carolina

My Commission Expires: July 25, 2032

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

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 August 7, 2026, I did serve via electronic delivery the following document to the below mentioned person:

Document: Memorandum in Support of Motion to Transfer Venue

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

AUG 7 2026 PM 4:05
COLLETON CO GS. GARY HALE