

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

The State of South Carolina,

vs.

Richard Alexander Murdaugh,

Defendant.

IN THE COURT OF GENERAL SESSIONS

FOURTEENTH JUDICIAL CIRCUIT

Indictment Nos.: 2022GS1500592-00595

**ORDER GRANTING DEFENDANT'S MOTION
TO BE UNSHACKLED IN THE COURTROOM**

BACKGROUND

This matter came before the Court on June 17, 2026, on Defendant's Motion to be Unshackled in the Courtroom. On June 25, 2026, the State filed its response. Thereafter, Defendant filed his reply on June 25, 2026—withdrawing his original Motion to be Unshackled in the Courtroom.

An in-person status conference was held on June 29, 2026, in the Lexington County Courthouse. Present for the Defense were Richard Harpootlian, Esq., Jim Griffin, Esq., and Defendant. Present for the State were Creighton Waters, Esq., Don Zelenka, Esq., and David Fernandez, Esq. During the status conference, Defense counsel made an oral argument to renew Defendant's Motion to be Unshackled in the Courtroom. The Court heard arguments from both sides and took the matter under advisement.

The Court has reviewed Defendant's Motion, the State's Response, Defendant's Reply, the record in this case, arguments, and the information submitted in support of, and in opposition to, Defendant being unshackled and in civilian clothes in the courtroom.

APPLICABLE LAW

"When a pretrial detainee remains in custody, he is not disrobed of his constitutional rights and laid bare for the zealous investigation of his case . . . [h]e is cloaked with the presumption of

innocence.” *State v. Ellefson*, 266 S.C. 494, 500 (1976). The United States Supreme Court has established that the routine use of visible shackles during the guilt and penalty phases of a criminal trial is strictly forbidden absent a specific, individualized showing of need. *Deck v. Missouri*, 544 U.S. 622, 626 (2005). Because shackling is an “inherently prejudicial practice,” it is permitted only when justified by an essential state interest specific to that individual trial. *Id.* at 628; *see also Holbrook v. Flynn*, 475 U.S. 560, 568–69 (1986).

South Carolina courts have separate analyses for prison clothes and shackles. Courts hold “[i]t is generally improper for a defendant to appear for a jury trial dressed in readily identifiable prison clothing.” *Ryals v. State*, 439 S.C. 230, 234–35 (Ct. App. 2023) (quoting *Humbert v. State*, 345 S.C. 332, 337 (2001)); *see also Estelle v. Williams*, 425 U.S. 501, 512 (1976) (holding an accused may not be compelled to be tried before a jury in identifiable prison clothes).

As for shackles, in *State v. Tucker*, the Supreme Court of South Carolina ruled that determination “is within the trial judge’s discretion.” 320 S.C. 206, 209 (1995); *see also State v. Heyward*, 441 S.C. 484, 493 (2023). Specifically, the “judge is to balance the prejudicial effect of shackling with the considerations of courtroom decorum and security. *Tucker*, 320 S.C. at 209. (citing *Illinois v. Allen*, 397 U.S. 337 (1970)). This is because the judge is “best equipped to decide the extent to which security measures should be adopted to prevent disruption of the trial, harm to those in the courtroom, escape of the accused, and prevention of other crimes.” *Id.* (citing *Brewster v. Bordenkircher*, 745 F.2d 913 (4th Cir.1984). Lastly, although courtroom security remains paramount, the court “must make every reasonable effort to ensure the restraints are not visible to the jury.” *Heyward*, 441 S.C. at 493.

ANALYSIS

The presumption of innocence is a fundamental right protected by the due process clause of the Constitution of the United States and by South Carolina Constitution, Article I, § 14. Before this Court, Defendant is presumed innocent of his pending charges for two counts of Murder and two counts of Possession of a Weapon during a Violent Crime. Those are the only charges before this Court. *State v. Murdaugh*, No. 2023-000392, 2026 WL 122305 (S.C. May 13, 2026). Accordingly, broadcasting Defendant in shackles and prison clothes, for financial convictions not before this Court, poses a substantial risk of eroding the presumption of innocence within the potential jury pool, exacerbated by the extensive television and news media coverage on this case.

There is no justifiable reason to require Defendant to appear in prison clothes and shackles. Requiring a defendant to remain in prison clothes is generally disfavored and, here, it can only be prejudicial for Defendant. *See Ryals*, 439 S.C. at 234–35; *Humbert*, 345 S.C. at 337; and *Estelle v. Williams*, 425 U.S. at 512. Shackles are also generally disfavored. *Tucker*, 320 S.C. at 209. However, shackles are permitted in rare cases where there has been a finding on the record that security and/or escape is a genuine concern and there are no reasonable alternatives to restrain the defendant. *Id.* The Court has considered Defendant's SCDC citations for using another inmate's pin, abuse of privileges, and a contraband warrant for a book. These do not amount to a genuine concern for escape or security risk. Crucially, less visible security measures are available that adequately protect public safety and courtroom order, while protecting Defendant from undue prejudice.

The State argues Defendant's request to be unshackled is an attempt at special treatment. The Court disagrees. The only thing special about Defendant's case is the media attention it has attracted. Accordingly, considering the media coverage, keeping Defendant in prison clothes and

shackles for convictions not before the Court presents a risk of prejudice, potential jury-pool contamination, and threatens to erode Defendant's presumption of innocence in this case.

Instead, reasonable, less restrictive security measures are available and will be used to adequately protect public safety and courtroom order while Defendant is in civilian clothes and unshackled.

CONCLUSION

IT IS ORDERED that:

1. Defendant may appear unshackled and in civilian clothing at all pre-trial hearings and during trial in front of the Court when news media is present with cameras, absent the showing of specific future conduct on the record.
2. Defense counsel shall arrange for delivery of properly fitted civilian clothing to the Lexington County Courthouse at least 24 hours before each hearing; clothing shall be inspected by security personnel.
3. The Lexington County Sheriff's Department shall implement reasonable, less restrictive security measures to adequately protect public safety and courtroom order while Defendant is in civilian clothes and unshackled.
4. Court security shall coordinate to minimize exposure of any security measures to the public and media.
5. Nothing in this Order limits the Sheriff nor SCDC's authority to ensure safety; however, Defendant shall not be compelled to be shackled or wear prison clothing at hearings in front of the Court when news media is present with cameras.

IT IS SO ORDERED.

Lexington, South Carolina
August 10, 2026


Debra R. McCaslin
Presiding Judge