

**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 IN SUPPORT OF MOTION TO
TRANSFER VENUE**

Defendant Richard Alexander Murdaugh, through undersigned counsel, respectfully submits this reply in support of his motion to transfer venue and in reply to the State's Response of August 12, 2026, to his motion to transfer venue.

I. Introduction

The Response is most notable for what it does not dispute. It does not dispute that the publicity attending this prosecution "undeniably is unique in the history of South Carolina." (Resp. at 1.) It does not dispute a single fact set forth in Mr. Murdaugh's memorandum concerning his family's century-long institutional position in the Fourteenth Judicial Circuit, the entanglement of the 2023 venire with the parties, the victims, and the witnesses, or the corruption of the first verdict from within the Colleton County courthouse. It does not defend the suitability of any county of the Fourteenth Circuit—not Colleton, not Hampton, not Beaufort, not Jasper, not Allendale—as the seat of the retrial. It acknowledges that this Court possesses the authority, recognized in *State v. Law*, 265 S.C. 111, 217 S.E.2d 22 (1975), and *State v. Harvey*, 128 S.C. 494, 122 S.E. 860 (1924), to transfer venue beyond the Circuit where the counties within it cannot supply a fair trial. (Resp. at 6–7.) And it proposes, as venues "much better suited to accommodate a case like this," five counties—Spartanburg, Newberry, Lancaster, York, and Florence—every one of which lies outside the Fourteenth Judicial Circuit. (Resp. at 3.) Indeed, on the very day the State filed its Response, a court of this Circuit found—upon expert survey evidence and an evidentiary

hearing—that the fallout of this saga renders a fair civil trial impossible anywhere in the Fourteenth Judicial Circuit. Order Granting Defendants’ Motion to Change Venue at 9, *Beach v. Gregory M. Parker, Inc.*, No. 2021-CP-25-00392 (Ct. Com. Pl. Hampton Cnty. Aug. 12, 2026) (Kelly, J.) (the “*Parker Order*”) (attached hereto as **Exhibit A**).

The parties therefore agree upon everything that matters except the destination. The State’s opposition reduces to a single proposition: anywhere but Charleston. In service of that position, the Response advances an account of the 2023 jury selection that cannot be squared with the Supreme Court’s opinion vacating its result; a reading of *State v. Manning* that would assign to the State a veto the law gives to the accused; a media-market theory of *Irvin v. Dowd* that the Response itself refutes six pages later; and a series of logistical objections—traffic, parking, hotel rates, tourists, and tides—supported by no affidavit, no study, no analysis, no citation to publicly available evidence, and contradicted by the official responsible for the operations about which the State speculates. Each argument fails on its own terms, and none engages the criteria the General Assembly has prescribed for the choice: “the least expense and greatest convenience for all parties involved in the case,” “consistent with the demands of justice.” S.C. Code Ann. § 17-21-85. The State’s leading alternative, moreover, was foreclosed the day the Response was filed: the *Parker Order* transferred the related civil litigation brought by the family of Mallory Beach to Spartanburg County, where that case—and the saga from which this prosecution arises—will now occupy the courthouse and saturate the community the State proposes as this trial’s host.

II. Argument

A. The Response concedes the predicates for a transfer outside the Fourteenth Judicial Circuit.

On the State’s own reading of the governing law, the common-law power recognized in *Harvey* and *Law* is available where the statute “fail[s] to provide an adequate remedy due to lack

of viable alternative counties in a circuit.” (Resp. at 7.) Mr. Murdaugh’s memorandum demonstrated at length why no county of the Fourteenth Circuit is viable: the family’s three-generation tenure as the Circuit’s chief prosecutor; PMPED’s seat in Hampton; the boat-collision events and litigation in Beaufort; venires of 7,355 and 18,174; and a social orbit shared by all five counties. (Def. Mem. § III.A.5.) The Response answers none of it. It nowhere suggests that this case could be tried in Hampton, Beaufort, Jasper, or Allendale, and its proposal of five venues drawn from the Sixth, Seventh, Eighth, Twelfth, and Sixteenth Judicial Circuits speaks for itself.

Another circuit judge has now made the same finding. On August 12, 2026—the day the Response was filed—the Honorable R. Keith Kelly found, upon unrebutted expert survey evidence and an evidentiary hearing, that the Boat Crash Case, this prosecution, and the litigation they spawned “have left an enduring impression upon the public consciousness, particularly within the jury pools of the Fourteenth Judicial Circuit”; that “[a] significant number of residents within these communities maintain direct or indirect connections to individuals involved in those matters”; and that “a fair and impartial trial of the present action cannot be obtained in Hampton County nor the Fourteenth Judicial Circuit.” *Parker* Order at 9. If the civil fallout of this saga cannot be tried fairly anywhere in the Circuit, *a fortiori* the saga’s central prosecution cannot. *See also Lancaster v. Fielder*, 305 S.C. 418, 423, 409 S.E.2d 375, 378 (1991) (affirming transfer from the Sixteenth Judicial Circuit to the Eighth “in order to obtain an impartial jury”) (cited in *Parker* Order at 3). Likewise, to the extent the proviso of Section 17-21-80 confines a statutory transfer to “a county in the same judicial circuit” absent waiver by the adverse party (Resp. at 9), the State has supplied the waiver: it has proposed five out-of-circuit counties of its own. The question remaining is not *whether* this trial will leave the Fourteenth Circuit, but *where* it will be held—a question Section

17-21-85 directs this Court to answer by expense, convenience, and the demands of justice. On those criteria, the Response has remarkably little to say.

B. Manning does not bar relief; its conditions are satisfied here as they have been in no other case.

The Response reads *State v. Manning*, 329 S.C. 1, 495 S.E.2d 191 (1997), to require proof of “actual juror bias” and, “in most cases,” an attempt to seat a jury before the motion is decided. (Resp. at 5–6.) *Manning* arose from the opposite posture. There, the trial court granted the *State’s* motion to remove jury selection from Dillon County over the defendant’s objection, and the Supreme Court reversed because the transfer overrode the defendant’s right to be tried in the vicinage upon nothing more than “opinions and conclusions.” 329 S.C. at 8–10, 495 S.E.2d at 194–96. The “great care and deliberation” *Manning* commands “when changing venue at the request of the prosecution” exists to protect the accused. *Id.* Where the accused himself invokes the fair-trial guarantee and moves for the transfer, the vicinage interest is his to waive, and he has waived it. *See* U.S. Const. amend. VI; *United States v. McVeigh*, 918 F. Supp. 1467, 1470 (W.D. Okla. 1996) (the constitutional place-of-trial provisions secure “a right of the defendant,” and “[t]he filing of the motion waives that right”). The Response’s contrary suggestion—that “the people of the county have a right to pass on crimes that occurred within their borders” (Resp. at 6 n.2)—rests entirely upon Article I, Section 11 of the South Carolina Constitution, a provision governing presentment and indictment by a grand jury. No authority holds that a county’s residents possess a venue entitlement that overrides the fair-trial rights of the accused; *Groppi v. Wisconsin*, 400 U.S. 505 (1971), holds the opposite.

In any event, the record here supplies precisely what *Manning* found missing. In *Manning*, the movant offered “only . . . opinions and conclusions,” and the Court held that “[w]ithout voir dire of actual potential jurors, it was impossible to determine an unbiased jury could not be seated.”

329 S.C. at 9–11, 495 S.E.2d at 195–96. Here, voir dire of actual potential jurors has occurred—two days of it, in this case, in this county, memorialized in a transcript that is now part of the record of the Supreme Court. That voir dire established that exposure among the venire was effectively universal (Trial Tr. 57, 102); that excusals for fixed opinions issued by the dozen (Trial Tr. 206–11); and that the venire included Mr. Murdaugh’s cousins, the victims’ relations, and the Clerk of Court’s own daughter (Trial Tr. 59–213). And the jury that emerged returned a verdict the Supreme Court has vacated because an officer of the very court that summoned it “essentially implored the jurors to find him guilty.” *State v. Murdaugh*, 448 S.C. 1, 24–25, 931 S.E.2d 294, 306 (2026) (per curiam). *Manning* demands evidentiary facts rather than conjecture; the record of this case is an archive of them. *State v. Woods*, 382 S.C. 153, 676 S.E.2d 128 (2009), confirms that upon retrial the venue question is decided anew—and it is decided on this record, not on the hopes the Response expresses for a second attempt. *Cf. Parker* Order at 7, 9 (transferring venue without first attempting to seat a jury, notwithstanding the plaintiffs’ reliance upon *Manning* and *Stevens v. Sun News*).

Finally, the actual-bias framework of *Caldwell*, *Tucker*, and *Manning* operates alongside—not in place of—the federal constitutional presumption of prejudice that attaches where publicity saturates a small and entangled community. *Rideau v. Louisiana*, 373 U.S. 723 (1963); *Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Coleman v. Kemp*, 778 F.2d 1487 (11th Cir. 1985). The memorandum addressed those authorities at length. (Def. Mem. § III.A.1.) The Response addresses none of them.

C. The State’s account of the 2023 jury selection is refuted by the judgment of the Supreme Court of South Carolina.

The Response describes the 2023 process as having “worked seamlessly and efficiently,” yielding a jury “in just over two days,” and pronounces it “the sign of a process working as it was

intended.” (Resp. at 2.) It concludes that “a careful voir dire process successfully and efficiently picked a jury despite just as much if not more publicity.” (Resp. at 9.) That is a remarkable description of a proceeding whose verdict has been vacated. The process the State praises was administered by a Clerk of Court who had planned a book about the trial before it began; who admonished the jurors not to be “fooled” by the defense; and whose “breathtaking and disgraceful effort . . . to undermine the jury process is unprecedented in South Carolina.” *Murdaugh*, 448 S.C. at 29, 931 S.E.2d at 309. The only jury Colleton County has produced in this case did not survive appellate review. Whatever may be said of the 2023 jury selection, “successful” is not the word for it.

The Response’s other observations fare no better. It notes that “most” venire members professed an ability to set the publicity aside. (Resp. at 2.) The transcript records what surrounded those professions: every member of the first panel had heard of the case (Trial Tr. 57); fifteen members of a single panel were excused for fixed opinions (Trial Tr. 206–11); one prospective juror announced, “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); and a sworn juror was removed in the final week for discussing the evidence with third parties (Trial Tr. 5737–39), in a county the trial court itself described as “a small town” where “people apparently just do a lot of gossiping about this stuff” (Trial Tr. 5540–41). The law has long recognized how little such professions may be worth against “the influence that lurks in an opinion once formed.” *Irvin v. Dowd*, 366 U.S. 717, 727 (1961). The Response also observes that the defense “never once complained about the selection process at the first trial.” (Resp. at 3.) The defense did not then know what the Supreme Court has since found: that the official conducting that process was

campaigning for a conviction. A party's acquiescence in a process before its corruption came to light is no argument for repeating the process.

As for the assertion that “the publicity was as much then if not moreso than now” (Resp. at 3), the chronology refutes it. Since the first jury was sworn, the community has experienced the gavel-to-gavel broadcast of the trial itself; a Netflix series that reached No. 1 nationally while the jury was hearing evidence, followed by a second season; a Lifetime film; a scripted Hulu dramatization; a further Netflix documentary; the Clerk's book; her felony convictions; and a reversal reported around the world—each a fresh wave of saturation. (Def. Mem. § I.B.) When a mere scheduling conference in June 2026 drew crowds, signs, and clergy protests to a courthouse in another county (*id.*), the suggestion that the atmosphere has subsided since January 2023 is untenable. The Response's first page concedes that the publicity is without precedent in the history of this State. (Resp. at 1.)

D. Irvin and the television-market map do not disqualify Charleston; the Response refutes its own premise.

The Response argues that *Irvin* “would seemingly rule out Charleston” because “Charleston County is *both* adjoining and *is* the media market for Colleton County,” appending a television-market map. (Resp. at 2 & Ex.) Six pages later, the Response argues that “publicity has been extensive throughout South Carolina, the nation, and indeed the world”; that “[a]ll of this digitally stored media is available to anyone in the world with a reliable internet connection”; and that “media attention has been everywhere.” (Resp. at 8.) Both propositions cannot serve the State at once. If saturation follows broadcast-tower geography, the State must explain why publicity that is “everywhere” is uniquely disqualifying fifty miles from Walterboro but not two hundred. If, as the Response insists, the saturation is national and digital—“Netflix, Hulu, YouTube, HBO, Facebook, Instagram, X” (Resp. at 8)—then a diagram of television markets measures nothing of

constitutional significance, and Spartanburg, Newberry, Lancaster, York, and Florence have received the same coverage as Charleston. Indeed, by the logic of the State's own exhibit, its proposals fare no better: the map places York and Lancaster in the Charlotte market and Spartanburg in the Greenville-Spartanburg market—major media centers that carried this case as prominently as any. On the State's own account of the modern media environment, what varies from county to county is not information; it is entanglement. That is the constitutionally significant variable, and it is the variable on which Charleston and the Fourteenth Circuit differ categorically. (Def. Mem. § III.A.3.)

Irvin itself condemns nothing about Charleston. There, venue had been moved to adjoining Gibson County—a small rural community that shared not merely Vanderburgh County's news but its sentiment: approximately ninety percent of the venire members examined held opinions on guilt, and eight of the twelve seated jurors “thought petitioner was guilty.” 366 U.S. at 720, 727. *Irvin* provides that a transfer fails where the receiving community is itself saturated *and* entangled—the precise vice of an intra-circuit transfer here. It says nothing against transfer to a populous metropolitan county whose relationship to this case is that its residents, like all Americans, may have watched it on television. See *Skilling v. United States*, 561 U.S. 358, 382 (2010). The courts of New York transferred the Diallo prosecution from the Bronx to Albany County—a county blanketed by the same statewide coverage—because what disqualified the original venue was not information but an “atmosphere in which jurors would be under enormous pressure to reach the verdict demanded by public opinion.” *People v. Boss*, 261 A.D.2d 1, 6, 701 N.Y.S.2d 342 (1st Dep’t 1999) (per curiam). Albany received New York’s news; what it lacked was the Bronx’s relationship to the case. So here.

E. The Parker Order forecloses Spartanburg, the State’s leading alternative.

The Response proposes Spartanburg County first among its alternatives. (Resp. at 3.) That proposal did not survive the day it was filed. On August 12, 2026, the Honorable R. Keith Kelly transferred *Beach v. Gregory M. Parker, Inc.*—the civil action brought by the family of Mallory Beach in the wake of the Boat Crash Case and this prosecution—from Hampton County to Spartanburg County, upon findings that a fair trial of that action could not be had anywhere in the Fourteenth Judicial Circuit. *Parker* Order at 9–10. Spartanburg was selected in *Parker* precisely because its jury pool remains comparatively untouched by this saga: the unrebutted survey evidence showed that ninety-four percent of Spartanburg respondents had heard little or nothing about that case, and a majority had no recollection of the underlying wrongful-death litigation at all. *Parker* Order at 6.

The consequences for the State’s proposal are two. *First*, Spartanburg is spoken for. Its courthouse will host a lengthy, heavily publicized trial arising from the same events and involving overlapping participants—the Beach family, the boat collision, Paul Murdaugh, and Mr. Murdaugh himself—with the attendant local press coverage, courthouse crowds, and community attention that, in this saga, even a scheduling conference has been shown to generate. (Def. Mem. § I.B.) The overlap is not conjectural: the 2023 venire in this case included Mallory Beach’s first cousin (Trial Tr. 59), and the attorney for the Beach family was among the witnesses examined in connection with the first trial. A Spartanburg venire summoned for this retrial would thus be drawn from the one community in South Carolina about to receive concentrated, localized, in-person exposure to the Murdaugh saga—precisely the transformation from audience into participant that disqualifies the Fourteenth Circuit. *Second*, the collision runs in both directions. Conducting this retrial in the same county would saturate the jury pool upon which the *Parker* transfer depends, undermining another court’s remedial order, while the two proceedings competed for the same

courtrooms, security personnel, and media accommodations. The two cases cannot sensibly be tried in the same county, and *Parker* arrived first.

The *Parker* Order thus cuts in one direction only. Its findings confirm that the Fourteenth Judicial Circuit cannot supply an impartial jury for any matter arising from these events. Its disposition removes Spartanburg from the field. And its criteria—a venire free of outside relationships with the participants, and a courthouse offering “enhanced facilities, security, parking, and other accommodations better tailored to the needs of” a case of “high-profile status” (*Parker* Order at 10)—are the criteria Mr. Murdaugh’s memorandum applied, and they select Charleston County for purposes of this case.

F. The logistical objections are unsworn speculation, refuted by the only evidence of record, and inverted by the statute’s own criteria.

The Response’s case against Charleston consists of traffic, parking, spring tourism, hotel rates said—upon counsel’s unsworn “review”—to be “double or triple the costs of comparable areas,” the possibility of “heavy spring storms and king tides,” and the observation that trial is “set to begin on Masters week.” (Resp. at 1–2.) No affidavit, study, exhibit, or citation to publicly available evidence supports any of these assertions. Against them stands the only evidence in the record on the subject: the Clerk of Court for Charleston County, Julie J. Armstrong—the official who would administer the venire, the courtrooms, and the very operations about which the State speculates—has advised that hosting this trial would create no issues for Charleston County. (Def. Mem. § III.C.4; Harpootlian Aff., Ex. A thereto.) The State offers no reason why counsel’s impressions of downtown traffic should be credited over the considered judgment of Charleston’s own Clerk of Court—a judgment borne out by that county’s administration of the Slager murder trial and, blocks away, the federal capital trial of Dylann Roof, each conducted under media attention equal to any in this State’s history. (Def. Mem. § III.C.3.) Regardless, downtown traffic

in Charleston is no worse than rush hour traffic in York or Richland Counties. Numerous affordable extended stay hotels are available in Mount Pleasant clustered at the Ravenel Bridge, only 5 miles and 15 minutes from the Charleston County Judicial Center, including a Hampton Inn, Hotel Indigo, SpringHill Suites by Marriott, Staybridge Suites, Candlewood Suites, Hilton Garden Inn, Sleep Inn, Holiday Inn, Embassy Suites, Residence Inn by Marriott, and Comfort Inn & Suites. Judicially noticeable empirical data on commuting times are available from Google maps. A request for directions from the Patriot's Point Hampton Inn to the downtown judicial center made at 8:13 a.m. on Thursday, August 13, 2026—the height of rush hour—indicates the commute takes only 16 minutes. Undersigned counsel believes the Court is aware from experience that time compares very favorably to rush hour commute times in the Columbia area or the Charlotte suburbs of York County.

The statutory criteria the Response never engages—“the least expense and greatest convenience for *all parties* involved in the case,” S.C. Code Ann. § 17-21-85 (emphasis added)—decide the question against the State’s alternatives. The witnesses in this case number in the dozens and reside overwhelmingly in Colleton, Hampton, Beaufort, and Charleston Counties. (Def. Mem. § I.A.) Charleston sits approximately fifty miles from Walterboro: witnesses, counsel, court personnel, and the families of the victims could appear daily without lodging at all. The State’s proposed venues lie roughly one hundred to two hundred miles from the courthouse—two to four times the distance—and would require every participant, including the scores of Lowcountry witnesses, to be transported and lodged across the State for the duration of a trial expected to consume weeks. That is the very expense and inconvenience the statute directs the Court to minimize.

In any event, the State's argument that it lacks sufficient funds to try a case in Charleston County simply is unworthy of credence. Lodging costs at the above-referenced hotels near the Ravenel Bridge are comparable to what rooms in those same hotel chains would cost in, for example, York. And the State's argument deliberately avoids mention of the cost of trial offices near the courthouse because the State has freely available offices in or near every principal courthouse in South Carolina. The defense has available offices only in Richland County and Charleston County. In any other location, defense counsel must at their own expense rent trial offices, either office space near the courthouse or a multiweek rental of conference rooms in a hotel. In addition to adding considerable burden and expense to the fact witnesses in this case, the State's proposed venues would impose considerable costs on defense counsel—but not on the State—for a retrial necessitated by misconduct by a state actor. This added expense to the defense would needlessly prejudice Mr. Murdaugh at trial by reducing funds available for expert analysis of evidence and expert testimony.

The proposed alternatives also fail the criteria the memorandum established and the Response ignored. Newberry County has approximately 39,800 residents—a jury pool functionally identical to Colleton's 39,382—and Lancaster (approximately 117,000) and Florence (approximately 139,000) are each less than one-third the size of Charleston. (U.S. Census Bureau, Population Estimates (V2025).) If, as the State maintains, the publicity “has been everywhere” (Resp. at 8), then a county of 39,800 presents the same venire arithmetic that consumed the Colleton pool in 2023—one hundred twenty-three qualified jurors from nine hundred summonses (Trial Tr. 289–94)—with none of Charleston's demonstrated capacity to absorb it. Spartanburg is foreclosed for the reasons stated above, and York, the sole remaining proposal of substantial size, lies at the opposite corner of the State, maximizes every witness's burden, and answers none of the

considerations of regional character that counsel trying a Lowcountry case before a Lowcountry jury. See *People v. 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. Goldswey*, 39 N.Y.2d 656, 663 (1976))); Def. Mem. § III.C.2.

As for the calendar: the Masters is played in Augusta, roughly one hundred fifty miles from Charleston. The Response deploys the tournament to disqualify Richland, Lexington, and Aiken Counties (Resp. at 3 n.1), and its further suggestion that Charleston’s hotels will fill “the following week” with vacationing golf patrons is speculation resting upon speculation.¹ Regardless, a proceeding of this magnitude will impose logistical demands wherever it is held; the statutory question is which county is best equipped to bear them. The Response has already answered that question: Charleston is “one of the premiere cities in the nation for industry, business, the arts, and tourism.” (Resp. at 1.) Precisely so. It maintains sixteen courtrooms in its Judicial Center, a hospitality infrastructure that accommodates nearly five million hotel-room nights each year, and security and media logistics proven in the two most heavily publicized trials in this State’s recent history. (Def. Mem. §§ III.C.3–4.) The State’s objections would carry this trial away from the one county demonstrably equipped for it, toward counties selected upon no stated criteria at all.

G. The defense’s position is criteria-driven, not “take-it-or-leave-it.”

A final word concerning the Response’s refrain that the defense’s position is “Charleston or bust.” (Resp. at 9.) Mr. Murdaugh proposed Charleston County because the governing criteria—venue depth, witness convenience, expense, proven facilities, regional character, and freedom from the entanglements that destroyed the first verdict—select it. His memorandum

¹ The State’s unfounded speculation appears disproven by a quick web search of booking prices at the hotels clustered at the Ravenel Bridge, which reveals no spike in prices during the Masters. This is unsurprising because very few people book a Comfort Inn or Holiday Inn in Mount Pleasant to attend the Masters in Augusta, which is a nearly six-hour round trip away.

measured Charleston against each criterion; the Response measures its five alternatives against none, and the leading alternative was committed to another trial in this saga the day the Response was filed. If the State believes some county satisfies the constitutional and statutory standards better than Charleston does, could have made that showing. Instead, it declined to defend the only trial Colleton County has produced, conceded that the publicity in this case is without precedent, proposed five out-of-circuit venues of its own, offered no evidence on any logistical question—and then faulted the defense for identifying, with evidence, the county that the statute's own criteria select.

III. Conclusion

For the foregoing reasons, and for those set forth in the motion and supporting memorandum, 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.

[signature block follows]

Respectfully submitted,


Richard A. Harpootlian, SC Bar No. 2725
Phillip D. Barber, SC Bar No. 103421
Andrew R. Hand, SC Bar No. 101633
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street (29201)
Post Office Box 1090
Columbia, South Carolina 29202
(803) 252-4848
rah@harpootlianlaw.com
pdb@harpootlianlaw.com
arh@harpootlianlaw.com

James M. Griffin, SC Bar No. 9995
Margaret N. Fox, SC Bar No. 76228
GRIFFIN HUMPHRIES, LLC
8906 Two Notch Road (29223)
Post Office Box 999
Columbia, South Carolina 29202
(803) 744-0800
jgriffin@griffinhumphries.com
mfox@griffinhumphries.com

Attorneys for Richard Alexander Murdaugh

August 13, 2026
Columbia, South Carolina.

AUG 13 2026 AM 11:41
COLLETON CO GS, GARY HALE

EXHIBIT A

*(Parker Order, August 12,
2026)*

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COLLETON CO GS, GARY HALE

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

RENEE S. BEACH, PHILLIP BEACH,
ROBIN BEACH, SAVANNAH TUTEN,
AND SETH TUTEN,

Plaintiffs,

v.

GREGORY M. PARKER, GREGORY
M. PARKER, INC. d/b/a PARKER'S
CORPORATION, BLAKE GRECO,
JASON D'CRUZ, MAX FRATODDI,
HENRY ROSADO, AND PRIVATE
INVESTIGATION SERVICES GROUP,
LLC,

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

C/A No. 2021-CP-25-00392

**ORDER GRANTING DEFENDANTS'
MOTION TO CHANGE VENUE**

This matter comes before the Court on the Motion to Change Venue ("the Instant Motion") filed on April 7, 2026, by the Parker's Defendants (Gregory M. Parker, Gregory M. Parker, Inc. d/b/a Parker's Corporation, Blake Greco, and Jason D'Cruz), joined by Defendants Max Fratoddi, Henry Rosado, and Private Investigation Services Group, LLC (collectively, "Defendants"), pursuant to S.C. Code Ann. § 15-7-100(A)(2) in the above-captioned matter ("the Instant Case"). The Parker's Defendants filed their supporting memorandum in the Instant Case on June 5, 2026, a supplemental memorandum on June 29, 2026, regarding a "Crowd the Courthouse" campaign by Mandy Matney and associates, and a second supplemental memorandum on July 9, 2026. Defendants Fratoddi, Rosado, and Private Investigation Services Group, LLC filed their own supplemental memorandum on July 14, 2026, and an amended supplemental memorandum on July 22, 2026.

Plaintiffs filed a memorandum in opposition to the motion. This Court conducted an evidentiary hearing on July 6–7, 2026, at which the Court heard testimony from defense witness Rob Waizenhofer, received documentary evidence, and heard oral argument from all parties. The Court has also received and reviewed supplemental arguments from the Plaintiffs submitted by email following the above-referenced hearing. Having carefully considered the motion, the memoranda, the evidence presented at the hearing, the arguments of counsel and the full record before it, the Court now grants the Parker’s Defendants’ Motion to Change Venue.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The United States and South Carolina’s Constitution and statutes establish the right to seek a change of venue in civil cases when a fair and impartial trial cannot be had in the county where the action was commenced. A fair trial in a fair tribunal is a basic requirement of due process. *Irvin v. Dowd*, 366 U.S. 717, 722 (1961). “The theory of our [trial] system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print.” *Patterson v. Colorado ex rel. Attorney General of Colo.*, 205 U.S. 454, 462 (1907) (opinion for the Court by Holmes, J.). The Constitution requires transfer “if extraordinary local prejudice will prevent a fair trial.” *Skilling v. United States*, 561 U.S. 358, 378 & n.11 (2010); S.C. Const. Art. I, § 14 (“The right of trial by jury shall be preserved inviolate.”).

South Carolina’s Constitution mandates that the General Assembly pass laws for the change of venue in all cases, civil and criminal, upon proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the county where such action or prosecution was commenced. S.C. Const. Art. V, § 23. In response, the General Assembly enacted S.C. Code Ann. § 15-7-110, which provides that when the ground for a change of place of trial is that a fair and

impartial trial cannot be had in the county in which the action was commenced, the application for removal must be made by some party interested to the judge sitting in regular term, supported by an affidavit that a fair and impartial trial cannot be had in such county, with four days' notice given to the adverse party. S.C. Code Ann. § 15-7-110. This statute sets forth the procedure for changing the place of trial when a fair and impartial trial cannot be held in the county in which the action was commenced: "If a change is ordered it shall be to a county in the same judicial circuit, and the judge shall order the record to be removed to such county." Notwithstanding this language, the Supreme Court of South Carolina has recognized that, in appropriate circumstances, transfer to an out-of-circuit venue may be necessary to secure a fair trial. *See Lancaster v. Fielder*, 305 S.C. at 423, 409 S.E.2d at 378 (1991) (finding no abuse of discretion where venue was transferred from Union County (16th Judicial Circuit) to Laurens County (8th Judicial Circuit) "in order to obtain an impartial jury"). As detailed herein, the Court finds that compelling evidence establishes that this is such a case.

Of course, the moving party has the burden of establishing its entitlement to a change of venue. When a party moves for change of venue based on unfair publicity or substantial influence of an opponent which would deprive it of a fair trial, the burden is formidable. *Stevens v. Sun News*, 267 S.C. 63, 68–69, 226 S.E.2d 236, 239 (1976). South Carolina courts have identified several factors to be considered when considering a motion to change of venue based on fairness and impartiality grounds. First, the moving party must demonstrate through affidavit that a fair and impartial trial cannot be had in the county where the action was commenced. S.C. Code Ann. § 15-7-110. In *Johnston v. Belk-McKnight Co. of Newberry, S.C., Inc.*, 194 S.C. 490, 10 S.E.2d 1, 2 (1940), the South Carolina Supreme Court affirmed that the framers of the State Constitution recognized that occasions would arise when some litigant could not obtain a fair and impartial trial

in the county where such case was pending. Second, the impact of television and newspaper coverage generating pretrial publicity has been recognized as a basis for finding that a defendant cannot obtain a fair trial within the circuit. *See State v. Law*, 265 S.C. 111, 217 S.E.2d 22 (1975) (the South Carolina Supreme Court holding that the power to order a change of venue to accomplish a fair and impartial trial is a common law power of the court, and that a statutory provision limiting changes to the same circuit was intended primarily to preserve and guarantee the common law right to a change of venue rather than to limit it); *accord Estes v. State of Tex.*, 381 U.S. 532 (1965) (The media's overzealous reporting efforts, we observed, "led to considerable disruption" and denied the "judicial serenity and calm to which [the defendant] was entitled."). Third, the status or prominence of a party within the county has been found sufficient to support the finding that a fair and impartial trial cannot be had there. *See McCown v. Northeastern R. Co.*, 55 S.C. 384, 33 S.E. 506 (1899). Fourth, an affirmative showing by a party that a fair and impartial trial could not be had in the county, when not traversed by the opposing party, weighs heavily in favor of granting the motion. *See Patterson v. Charleston & W. C. Ry. Co.*, 190 S.C. 66, 1 S.E.2d 920 (1939).

Other factors the trial court may consider include: (1) the inflammatory or noninflammatory nature of publicity; (2) the degree to which publicity was circulated throughout the community; (3) the length of time elapsed from dissemination of publicity to date of trial; (4) the care exercised and difficulty encountered in selection of jury; (5) the familiarity of prospective or trial jurors with publicity and resultant effect upon them; (6) the challenges exercised by the defendant in selecting the jury, both peremptory and for cause; (7) the connection of government officials with release of publicity; (8) the severity of the charge; and (9) the size of area from which the venire is drawn. *Unger v. Cauchon*, 118 Wash. App. 165, 170–71, 73 P.3d 1005, 1007–08

(2003). The issue for the trial court is not whether the potential jurors have learned information about the case outside the courtroom, as an ignorant jury is neither the hallmark nor the *sine qua non* of a constitutionally qualified jury; rather, the question is whether there is a reason to believe that the community in which the case has been brought will not yield a jury qualified to deliberate impartially and upon competent trial evidence. *Sicor, Inc. v. Hutchison*, 127 Nev. 904, 266 P.3d 608 (2011).

When pretrial publicity is at issue, “primary reliance on the judgment of the trial court makes [especially] good sense” because the judge may base the evaluation on the Court’s “own perception of the depth and extent of news stories that might influence a juror.” *Skilling v. United States*, 561 U.S. at 386, 130 S. Ct. at 2918 (2010).

THE EVIDENCE AND ARGUMENTS OF COUNSEL

In support of their motion, the Parker’s Defendants submitted to the Court: (1) the affidavit of Mr. Rhett Ricard; (2) the affidavit and research survey of Rex L. Repass; (3) the testimony under oath of Mr. Waizenhofer with exhibits documenting the continuous negative press coverage of the case by bloggers/podcasters Mandy Matney, Liz Farrell and the Hilton Head-based company with which they are affiliated, True Sunlight Media; and (4) excerpts of testimony along with geolocation data establishing that contrary to the allegations in the complaint, none of the Plaintiffs resided in Hampton County on the date the Complaint was filed. Counsel for all defendants have presented compelling oral arguments in support of their positions outlined herein.

Rex L. Repass holds a Master of Science in Communications from the University of Tennessee, Knoxville, and is the owner of ULTAVU Consulting, LLC. According to his affidavit, Mr. Repass has been qualified as an expert on numerous occasions and has spent 40 years working as a survey research professional and consultant in the fields of public opinion research, survey

methodology, communication research, market research, litigation-related research, and statistical interpretation of survey data.

Mr. Repass and Research America, Inc. conducted a survey evaluating the extent of preexisting prejudice among the jury pools in Hampton and Allendale counties. The survey and affidavit of Mr. Repass were filed by the Parker's Defendants and copies were provided to the Court at the July 6, 2026 hearing. To further assess bias in the current trial venue, Mr. Repass included Spartanburg County as a "control" venue in his survey. He found that Hampton/Allendale County residents show heavy awareness of the instant case—eighty percent had heard "a great deal" or "a lot" about the Beach wrongful death lawsuit, seventy-four percent believed most people locally had already formed opinions about the instant case, and sixty-four percent thought local news coverage would influence how jurors decide. By contrast, in the control venue of Spartanburg County, fifty-seven percent had no recollection of the wrongful death lawsuit and ninety-four percent had heard little or nothing about the instant case. Based on this gap, Repass concluded that pretrial publicity has created "spillover" prejudice specific to Hampton/Allendale that is not present in Spartanburg, that this bias is measurable and entrenched rather than speculative, and that jurors' own assurances of impartiality are unreliable given the "third-person effect." Mr. Repass opined that a fair and impartial jury is improbable in Hampton County and neighboring media-market venues within the Fourteenth Judicial Circuit.

In opposition to Defendants' motion, Plaintiffs argue the Parker Defendants' motion is deficient on multiple grounds. First, Plaintiffs contend the Parker Defendants have failed to satisfy the "formidable" burden required under S.C. Code Ann. § 15-7-100(A)(2) and § 15-7-110, as interpreted in *Stevens v. Sun News* and *Davenport v. Summer*, arguing that counsel Rhett Ricard's initial affidavit was based on hearsay rather than personal knowledge and thus lacked the requisite

evidentiary weight. Second, Plaintiffs challenge the reliability of Mr. Repass's survey and subsequently-filed affidavit, asserting that his methodology, sampling, and confidence intervals were never disclosed for testing, that his conclusions improperly usurp the Court's role under *Dawkins v. Fields*, and that his selection of Spartanburg County as a "control" venue while omitting Colleton, Jasper, and Beaufort Counties undermines the survey's validity. Third, Plaintiffs argue that mere pretrial publicity does not disqualify prospective jurors under *State v. Manning* and *Irvin v. Dowd*, and that established South Carolina procedure, per *Stevens v. Sun News*, requires the Court to first attempt to seat an impartial jury through voir dire before entertaining a change of venue. Plaintiffs further assert that even were a transfer warranted, *Lancaster v. Fielder* mandates that any such transfer remain within the Fourteenth Judicial Circuit, and that the Parker Defendants' reliance on out-of-jurisdiction federal and foreign-state authority is unpersuasive and procedurally inapposite. Finally, Plaintiffs argue that these same Defendants made a venue transfer motion in the underlying Boat Crash Case, that was previously denied by Judge Hall.

Plaintiffs, however, failed to offer any evidence to rebut the survey conducted by Mr. Repass and failed to persuasively challenge the testimony of Mr. Waizenhofer and the exhibits offered through this testimony that establish the existence of continuous, pervasive negative publicity targeted at the Parker's Defendants and their counsel. And while Plaintiffs' counsel argued that the Plaintiffs lived in Hampton County at the time of the filing of Complaint and during the alleged commission of the torts given rise to the Complaint, Plaintiffs' counsel has failed to persuasively explain, address, or challenge the sworn deposition testimony of each of the Plaintiffs which established that *none* of the Plaintiffs lived in Hampton County when the Complaint was filed.

THE COURT'S FINDINGS

This Court finds that the initial affidavit of Mr. Ricard, the survey conducted by Mr. Repass and Mr. Repass' supplemental affidavit (all filed before the July hearing and prior to any brief in opposition submitted by Plaintiffs) are more than sufficient to meet the affidavit requirement of S.C. Code Ann. § 15-7-110. Supplemented by the testimony provided by Mr. Waizenhofer, exhibits introduced at the hearing and the arguments and pleadings of counsel for all defendants, this constitutes a substantial affirmative showing by Defendants that a fair and impartial trial cannot be had in Hampton County.

Addressing the second and third factors this Court must consider, it is recognized that this case arises against the backdrop of two highly publicized and emotionally fraught matters previously litigated within the 14th Judicial Circuit: (1) the civil action arising from the boating accident that resulted in the death of nineteen-year-old Mallory Beach (the "Boat Crash Case"); and (2) the criminal prosecution of Alex Murdaugh, a then-prominent member of the local bar, for the murders of his wife, Maggie Murdaugh, and their twenty-two-year-old son, Paul Murdaugh, who at the time of his death stood indicted for operating the vessel involved in the accident that claimed Mallory Beach's life (the "Murder Case"). The Boat Crash Case, the Murder Case, and the instant litigation have each been the subject of extensive media coverage and sustained public discourse, drawing substantial attention at the local, national, and international levels.

As previously stated, Plaintiffs argue that in the underlying Boat Crash Case, Judge Hall denied the Defendants' motion to change venue. However, the instant case is distinguishable because, in that case, the Defendants moved to change venue on other grounds, i.e., convenience of witnesses and promoting the ends of justice pursuant to S.C. Code Ann. § 15-7-100(A)(3). *See* Gregory M. Parker, Inc.'s Memorandum in Support of Motion to Transfer Venue at pg. 4, *Beach*

v. Gregory M. Parker, Inc., No. 2019-CP-25-00111 (S.C. Ct. Com. Pl. filed Mar. 9, 2020) (“Boat Crash Case”). Additionally, the extensive pretrial publicity arising from the: (1) settlement of the Boat Crash Case; (2) the subsequent Murder Case and the May, 2026 reversal of Mr. Murdaugh’s conviction; and (3) the onslaught of negative publicity focused specifically on the Parker’s Defendants by Ms. Matney, Ms. Farrell, and LunaShark in the past ten months relevant to the Instant Case had not yet occurred when Judge Hall issued his Form 4 order denying the Defendants’ motion. Here, the Defendants move to change venue pursuant to S.C. Code Ann. § 15-7-100(A)(2) based on the inability to receive a fair and impartial trial. Furthermore, the Instant Case lies in the wake of the two highly publicized underlying matters and has itself received extensive and intensive pretrial media attention and commentary.

Therefore, based on the foregoing:

IT APPEARING that the Boat Crash Case, the Murder Case and the Instant Case have left an enduring impression upon the public consciousness, particularly within the jury pools of the Fourteenth Judicial Circuit, and this impression cannot readily be set aside. A significant number of residents within these communities maintain direct or indirect connections to individuals involved in those matters, and a great many more hold firmly established, emotionally charged views concerning those individuals and the underlying events. Such preconceptions and emotional convictions have a substantial likelihood of materially impairing prospective jurors’ capacity to adjudicate the present action fairly and solely upon the evidence adduced at trial. Accordingly, in light of the distinctly local impact of the Boat Crash Case, the Murder Case, and the Instant Case, and the degree of prejudicial publicity attendant thereto, this Court finds that a fair and impartial trial of the present action cannot be obtained in Hampton County nor the Fourteenth Judicial Circuit.

AND IT FURTHER APPEARING that given the uniquely local impact of the Boat Crash Case, the Murder Case and the Instant Case and the extent of prejudicial publicity regarding the same, a fair and impartial trial of the present action cannot be had in the Fourteenth Judicial Circuit. The interest of justice would be served by moving venue to Spartanburg County to obtain a jury that would be free from outside relationships or pervasive knowledge about the subject matter of this case and to permit the parties to conduct a fair and impartial trial on the merits. Transferring venue to Spartanburg County is appropriate due to the high probability of conducting a fair and impartial trial because venue would be removed from the Fourteenth Judicial Circuit where pervasive extensive media coverage has saturated its less populated counties from which the jury pool would be drawn. Furthermore, the Spartanburg County courthouse offers enhanced facilities, security, parking, and other accommodations better tailored to the needs of the instant case due to its high-profile status.

Therefore, it is hereby:

1. **ORDERED** that Defendants' Motion to Change Venue is **GRANTED**; and
2. **FURTHER ORDERED** that venue be transferred to Spartanburg County.

IT IS SO ORDERED!

The Honorable R. Keith Kelly
Circuit Court Judge, Court of Common Pleas
Fourteenth Judicial Circuit

Date: _____
Spartanburg, South Carolina



Hampton Common Pleas

Case Caption: Renee S. Beach , plaintiff, et al VS Gregory M. Parker , defendant, et al
Case Number: 2021CP2500392
Type: Order/Change of Venue

It is so Ordered.

s/ R. Keith Kelly - 2165

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COLLETON CO GS, GARY HALE

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.

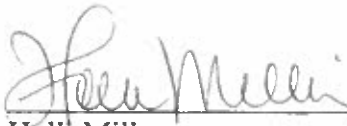
Indictment Nos. 2022-GS-15-00592, -593,
-594, and -595

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 13, 2026, I did serve via electronic delivery the following documents to the below mentioned person:

Documents: Reply 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

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