

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

**MOTION FOR USE OF PRE-VOIR
DIRE JUROR QUESTIONNAIRE**

The State moves for the Court to use a written juror questionnaire that would efficiently and expeditiously help with the voir dire and jury selection/empanelment process. Both the State and the defense utilized this questionnaire in the first trial with great effectiveness, as jury selection was accomplished in three days because much of the vetting process and excusals had taken place by consent of the parties prior to trial beginning. It helped screen potential jurors before trial that would have inevitably been excused for cause or needlessly subjected to peremptory challenges.

In South Carolina, the jury qualification and selection process is governed by statute, but such statutes give wide discretion to the trial court. See S.C. Code Ann. § 14-7-1010 ("The presiding judge shall determine whether any juror is disqualified or exempted by law and only he shall disqualify or excuse any juror as may be provided by law."); § 14-7-860(A) ("The presiding judge for cause shown *may excuse any person from jury duty at any term of court if the judge considers it advisable.*") (emphasis added). Case law provides additional guidance. See State v. Stanko, 376 S.C. 571, 575, 658 S.E.2d 94, 96 (2008) ("The scope of *voir dire* and the manner in which it is conducted are generally left to the sound discretion of the trial court.") (citing State v. Wise, 359 S.C. 14, 23, 596 S.E.2d 475, 479 (2004)); State v. Jones, 440 S.C. 214, 228, 891 S.E.2d 347, 354

(2023) ("The ultimate consideration is that the juror be unbiased, impartial, and able to carry out the law as explained to him.").

S.C. Code Ann. § 14-7-1020 further provides:

The court shall, on motion of either party in the suit, examine on oath any person who is called as a juror to know whether he is related to either party, has any interest in the cause, has expressed or formed any opinion, or is sensible of any bias or prejudice therein, and the party objecting to the juror may introduce any other competent evidence in support of the objection. If it appears to the court that the juror is not indifferent in the cause, he must be placed aside as to the trial of that cause and another must be called.

Given the unique facts of this case and the pre-trial publicity, the State submits use of the same questionnaire agreed to by both sides in the first trial would greatly assist in § 14-7-1020's command without having to needlessly assemble jurors who could never be qualified to serve on a jury in this case. This process would mutually benefit both parties as it did for the first trial. Moreover, potential jurors tend to be more honest and forthcoming with a written pre-voir dire questionnaire because they more freely and deliberately answer as opposed to detailed questioning on the spot in public.

Conclusion

WHEREFORE, the State requests that this Court authorize the use of a written pre-voir dire juror questionnaire for the trial of this case. The questionnaire agreed to by the parties will be separately forwarded to the parties and the Court for review.

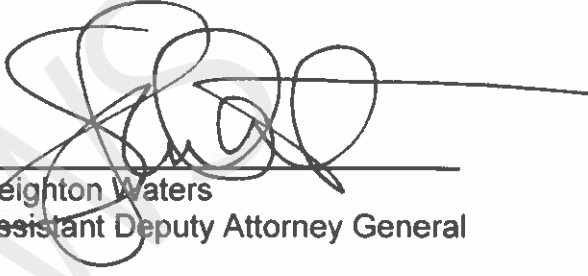
Respectfully submitted,

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Columbia, South Carolina
August 7, 2026

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COLLETON CO GS. GARY HALE