

**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

**RENEWED STATE'S MOTIONS
FROM FIRST TRIAL**

Although these motions filed prior to the first trial remain valid and operative, the State for purposes of convenience of discussion renews the following motions. Filed copies are attached to this document.

- (1) Amended Motion for Reciprocal Discovery and Disclosure of Evidence, filed November 1, 2022;
- (2) Motion in Limine to Exclude Evidence Related to Third-Party Guilt, filed December 28, 2022;
- (3) Motion in Limine to Exclude Evidence Related of Polygraphy, filed December 28, 2022.

A renewal of the State's motion as to evidence of motive will be filed separately.

Respectfully submitted,

ALAN WILSON
ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

By:



S. Creighton Waters
Sr. Assistant Deputy Attorney General

AUG 7 2026 PM3:42
COLLETON CO GS, GARY HALE

Columbia, South Carolina
August 7, 2026

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA	)	Case No.: 2022-GS-15-00592, 593, 594, 595
	)	
v.	)	
	)	
RICHARD ALEXANDER MURDAUGH	)	AMENDED MOTION FOR RECIPROCAL DISCOVERY AND DISCLOSURE OF EVIDENCE
	)	
Defendant.	)	
	)	

COMES NOW THE STATE OF SOUTH CAROLINA, through its undersigned attorney, and moves this Honorable Court for an Order requiring DEFENDANT RICHARD ALEXANDER MURDAUGH, to provide the following to the State:

1. Pursuant to Rule 5(b)(1)(A) of the South Carolina Rules of Criminal Procedure, any and all books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the Defendant and which the Defendant intends to introduce as evidence in chief at the trial.

2. Pursuant to Rule 5(b)(1)(B) of the South Carolina Rules of Criminal Procedure, any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the Defendant, which the Defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the Defendant intends to call at trial when the results or report relates to his testimony.

3. Pursuant to Rule 5(e) of the South Carolina Rules of Criminal Procedure, if the Defendant intends to rely on the defense of alibi, please give Notice within ten (10) days of the date of this request of the intent to rely on alibi and give the specific place or places the Defendant claims to have been at the time of the alleged offense and the names and

addresses of the witnesses upon he intends to rely to establish such alibi. The murders occurred after 8:30PM and before 10:06PM on June 7, 2021 at the Murdaugh property located at 4147 Moselle Road in Colleton County, South Carolina.

4. Pursuant to Rule 5(f) of the South Carolina Rules of Criminal Procedure, if the Defendant intends to rely on the defenses of insanity, mental illness, entrapment, or duress, please give notice within (10) days of the date of this request of the intent to rely on the particular defense(s).

5. Pursuant to *State v. Cole*, 304 S.C. 47, 403 S.E.2d 117 (1991), if the Defendant intends to rely on the defense of necessity, please give notice within (10) days of the date of this request of the intent to rely on the particular defense.

PLEASE TAKE NOTICE THAT Rule 5(c) of the South Carolina Rules of Criminal Procedure imposes a continuing duty to disclose additional evidence, material or witnesses, and provide for suppression of the evidence or the imposition of other remedies in event of non-disclosure.

Respectfully submitted,

ALAN WILSON
Attorney General

By: _____

S. Creighton Waters
Chief Attorney

Post Office Box 11549
Columbia, South Carolina 29211
Telephone: 803-734-3970

ATTORNEY FOR THE
STATE OF SOUTH CAROLINA

Columbia, South Carolina
November 1, 2022

NOV 1 2022 8:45
COLLETON/0063/REBECCA HILL

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF COLLETON	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
State of South Carolina,	)	Case Nos: 2022-GS-15-00592
	)	2022-GS-15-00593
v.	)	2022-GS-15-00594
	)	2022-GS-15-00595
Richard Alexander Murdaugh,	)	MOTION IN LIMINE TO EXCLUDE EVIDENCE
Defendant.	)	RELATED TO POLYGRAPHY

The State, by and through the undersigned attorneys, moves this Court for an order to prevent the Defendant and his counsel from making reference to polygraphy or any specific polygraph tests during the trial of this case.

A polygraph examination is a procedure in which a subject is measured for certain physiological and psychological reactions while responding to questions in a controlled environment. The polygraph machine is not a "lie detector," nor does the operator who interprets the graphs detect "lies;" rather, the machine records physical responses from which an examiner may draw inferences about whether the examinee is being deceptive or otherwise motivated by a sense of guilt or some other emotion. See Adam B. Shnideman, *You Can't Handle the Truth: Lies, Damn Lies, and the Exclusion of Polygraph Evidence*, 22 ALBLJST 433, 449-50 ("The machine does not directly detect lies. . . . Instead, the polygraph works on the assumption that certain physiological responses occur in an individual when he or she lies."); see also U.S. Department of Justice, *Criminal Resource Manual* § 259 ("The machine records physical responses which may or may not be connected with an emotional reaction—and that reaction may or may not be related to guilt or innocence.").

There is no consensus that polygraph evidence is reliable as a measure of deception; indeed, "[t]o this day, the scientific community remains extremely polarized about the reliability of polygraph techniques." *State v. Council*, 335 S.C. 1, 24, 515 S.E.2d 508, 520 (1999) (quoting

United States v. Scheffer, 523 U.S. 303, 309 (1998)). Scientific polarization as to the polygraph's reliability presents a two-fold problem to the introduction of polygraph results in criminal trials: first, the polygraph evidence could be inaccurate, and second, "[b]y its very nature, polygraph evidence may diminish the jury's role in making credibility determinations." *Scheffer*, 523 U.S. at 313. Juries may give excessive weight to the opinions of a polygrapher, and improperly cede their critical function in determining the credibility of witnesses. *Id.* At 313-14; see also National Research Council, *The Polygraph and Lie Detection* 206 (2003) ("Courts do not need lie detectors, since juries already serve this function, a role that is constitutionally mandated.")

Thus, "the general rule is that no mention of a polygraph test should be placed before the jury." *State v. Palmer*, 415 S.C. 502, 517-18, 783 S.E.2d 823, 831 (Ct. App. 2016) (quoting *State v. Johnson*, 376 S.C. 8, 11, 654 S.E.2d 835, 836 (2007)) (emphasis added); see also *State v. Wright*, 322 S.C. 253, 255, 471 S.E.2d 700, 701 (1996) (quoting *State v. Copeland*, 278 S.C. 572, 300 S.E.2d 63 (1982)). ("Generally, the results of polygraph examinations are inadmissible because the reliability of the polygraph is questionable."). The general rule applies equally to both the prosecution and the defense, and the State can find no precedent to provide for divergent application to the different parties in a criminal case. *United States v. Ruggiero*, 100 F.3d 284, 292 (2d Cir. 1996) (dismissing the significance of polygraph results that might corroborate a defendant's testimony because of their "questionable accuracy"); *United States v. Prince-Oyibo*, 320 F.3d 494 (4th Cir. 2003) (refusing to abandon *per se* rule of exclusion even after *Daubert*); *United States v. Ramirez*, 386 F.3d 1234 (9th Cir. 2004) (prejudicial effect of polygraph outweighed probative value).

Despite the inadmissibility of polygraphy, counsels for Defendant endeavored mightily to explore the subject—and inaccurately at that—in a highly publicized filing of October 14, 2022. As such, the State expects Defendant to attempt to broach the subject at trial by any means necessary.

Accordingly, the State asks the Court to order the exclusion of any reference to polygraphy or any items involving any particular polygraph test including, but not limited to: any inquiry by counsel and/or any reference by counsel during summation, argument, opening statement, closing argument, any objections, witness examination, and any actions in front of the jury which expresses, implies, or even faintly suggests the existence or non-existence of any polygraph examinations. Because of the exceedingly high probability of a mistrial in the event such an order is not properly obeyed, the State further requests the Court set forth and communicate in advance severe personal consequences for contempt of such an order.

The State would respectfully request an *in-camera* review by the Court before any such evidence may be deemed relevant or admissible in this case under the grounds stated in this Motion.

WHEREFORE, the State respectfully requests that this Court exclude evidence which may be offered regarding polygraphy or any specific polygraph examination.

Respectfully submitted,

ALAN WILSON
Attorney General

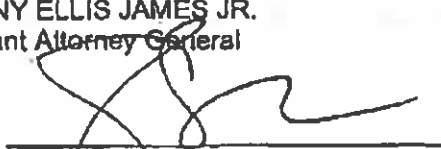
W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

S. CREIGHTON WATERS
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

DEC 28 2022 PM 12:30
COLLETON CO GS, REBECCA H. HILL

Dec 28, 2022

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE FOURTEENTH JUDICIAL CIRCUIT
)

State of South Carolina,

) Case Nos: 2022-GS-15-00592
) 2022-GS-15-00593
) 2022-GS-15-00594
) 2022-GS-15-00595

v.

Richard Alexander Murdaugh,
Defendant.

) MOTION IN LIMINE TO EXCLUDE EVIDENCE
) RELATED TO THIRD-PARTY GUILT
)
)
)

The State, by and through the undersigned attorneys, moves this Court for an order to prevent the Defendant and his counsel from making reference to third party guilt evidence during the trial of this case.

Evidence of third-party guilt that only tends to raise a conjectural inference that the third party, rather than the defendant, committed the crime must be excluded. *State v. Cope*, 405 S.C. 317, 341, 748 S.E.2d 194, 208 (2013) (citing *State v. Gregory*, 198 S.C. 98, 105, 16 S.E.2d 532, 534 (1941)). "Furthermore, to be admissible, evidence of third-party guilt must be 'limited to such facts as are inconsistent with the defendant's own guilt, and to such facts as raise a reasonable inference or presumption as to his own innocence.'" *Id.* (cleaned up). "Before such testimony can be received, there must be such proof of connection with it, such a train of facts or circumstances, as tends clearly to point out such other person as the guilty party." *Gregory*, 198 S.C. at ___, 16 S.E.2d at 535. "An orderly and unbiased judicial inquiry as to the guilt or innocence of a defendant on trial does not contemplate that such defendant be permitted, by way of defense, to indulge in conjectural inferences that some other person might have committed the offense for which he is on trial, or by fanciful analogy to say to the jury that someone other than he is more probably guilty." *Id.*

Accordingly, the State respectfully requests the exclusion of any reference to any items involving any third-party guilt including, but not limited to: any inquiry by counsel and/or any

reference by counsel during summation, argument, opening statement, closing argument, any objections, witness examination, and any actions in front of the jury which alleges any specific instance of third party guilt – unless and until after an *in-camera* review by the Court for compliance with the *Gregory* standard before any such evidence or argument may be deemed relevant or admissible in this case.

WHEREFORE, the State respectfully requests that this Court exclude evidence or argument which may be offered to show third-party guilt until after *in camera* review for strict compliance with South Carolina law as set forth in *Gregory*.

Respectfully submitted,

ALAN WILSON
Attorney General

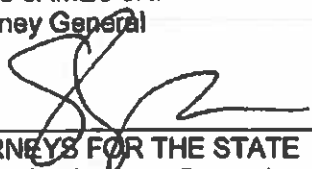
W. JEFFREY YOUNG
Chief Deputy Attorney General

DON ZELENKA
Deputy Attorney General

S. CREIGHTON WATERS
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Dec 28, 2022

DEC 28 2022 PM 12:30
COLLETON CO SS, REBECCA H. HILL

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

) IN THE COURT OF GENERAL SESSIONS
) FOR THE FOURTEENTH JUDICIAL CIRCUIT
)

State of South Carolina,

) Case Nos: 2022-GS-15-00592
) 2022-GS-15-00593
) 2022-GS-15-00594
) 2022-GS-15-00595
)

v.

Richard Alexander Murdaugh,
Defendant.

) MOTION IN LIMINE TO EXCLUDE EVIDENCE
) RELATED TO POLYGRAPHY
)
)
)
)
)

The State, by and through the undersigned attorneys, moves this Court for an order to prevent the Defendant and his counsel from making reference to polygraphy or any specific polygraph tests during the trial of this case.

A polygraph examination is a procedure in which a subject is measured for certain physiological and psychological reactions while responding to questions in a controlled environment. The polygraph machine is not a "lie detector," nor does the operator who interprets the graphs detect "lies;" rather, the machine records physical responses from which an examiner may draw inferences about whether the examinee is being deceptive or otherwise motivated by a sense of guilt or some other emotion. See Adam B. Shniderman, *You Can't Handle the Truth: Lies, Damn Lies, and the Exclusion of Polygraph Evidence*, 22 ALBLJST 433, 449-50 ("The machine does not directly detect lies. . . . Instead, the polygraph works on the assumption that certain physiological responses occur in an individual when he or she lies."); see also U.S. Department of Justice, *Criminal Resource Manual* § 259 ("The machine records physical responses which may or may not be connected with an emotional reaction—and that reaction may or may not be related to guilt or innocence.").

There is no consensus that polygraph evidence is reliable as a measure of deception; indeed, "[t]o this day, the scientific community remains extremely polarized about the reliability of polygraph techniques." *State v. Council*, 335 S.C. 1, 24, 515 S.E.2d 508, 520 (1999) (quoting

United States v. Scheffer, 523 U.S. 303, 309 (1998)). Scientific polarization as to the polygraph's reliability presents a two-fold problem to the introduction of polygraph results in criminal trials: first, the polygraph evidence could be inaccurate, and second, "[b]y its very nature, polygraph evidence may diminish the jury's role in making credibility determinations." *Scheffer*, 523 U.S. at 313. Juries may give excessive weight to the opinions of a polygrapher, and improperly cede their critical function in determining the credibility of witnesses. *Id.* At 313-14; see also National Research Council, *The Polygraph and Lie Detection* 208 (2003) ("Courts do not need lie detectors, since juries already serve this function, a role that is constitutionally mandated.")

Thus, "the general rule is that no mention of a polygraph test should be placed before the jury." *State v. Palmer*, 415 S.C. 502, 517-18, 783 S.E.2d 823, 831 (Ct. App. 2016) (quoting *State v. Johnson*, 376 S.C. 8, 11, 654 S.E.2d 835, 836 (2007)) (emphasis added); see also *State v. Wright*, 322 S.C. 253, 255, 471 S.E.2d 700, 701 (1996) (quoting *State v. Copeland*, 278 S.C. 572, 300 S.E.2d 63 (1982)). ("Generally, the results of polygraph examinations are inadmissible because the reliability of the polygraph is questionable."). The general rule applies equally to both the prosecution and the defense, and the State can find no precedent to provide for divergent application to the different parties in a criminal case. *United States v. Ruggiero*, 100 F.3d 284, 292 (2d Cir. 1996) (dismissing the significance of polygraph results that might corroborate a defendant's testimony because of their "questionable accuracy"); *United States v. Prince-Oyibo*, 320 F.3d 494 (4th Cir. 2003) (refusing to abandon *per se* rule of exclusion even after *Daubert*); *United States v. Ramirez*, 386 F.3d 1234 (9th Cir. 2004) (prejudicial effect of polygraph outweighed probative value).

Despite the inadmissibility of polygraphy, counsels for Defendant endeavored mightily to explore the subject—and inaccurately at that—in a highly publicized filing of October 14, 2022. As such, the State expects Defendant to attempt to broach the subject at trial by any means necessary.

Accordingly, the State asks the Court to order the exclusion of any reference to polygraphy or any items involving any particular polygraph test including, but not limited to: any inquiry by counsel and/or any reference by counsel during summation, argument, opening statement, closing argument, any objections, witness examination, and any actions in front of the jury which expresses, implies, or even faintly suggests the existence or non-existence of any polygraph examinations. Because of the exceedingly high probability of a mistrial in the event such an order is not properly obeyed, the State further requests the Court set forth and communicate in advance severe personal consequences for contempt of such an order.

The State would respectfully request an *in-camera* review by the Court before any such evidence may be deemed relevant or admissible in this case under the grounds stated in this Motion.

WHEREFORE, the State respectfully requests that this Court exclude evidence which may be offered regarding polygraphy or any specific polygraph examination.

Respectfully submitted,

ALAN WILSON
Attorney General

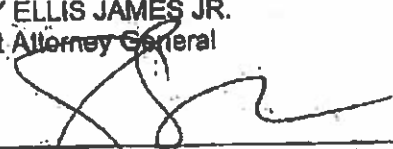
W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

S. CREIGHTON WATERS
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

DEC 28 2022 PM 12:30
COLLETON CO GS, REBECCA H. HILL

Dec 28, 2022