

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 TRANSFER VENUE**

THIS MATTER CAME before the Court on August 14, 2026, on Defendant's Motion to Transfer Venue. Upon the Court's review of the supporting motions and arguments made by both parties, the transcript of the jury selection conducted in January 2023, and the opinion of the Supreme Court of South Carolina filed on May 13, 2026, this Court grants this Motion and orders that venue be transferred to a county outside of the Fourteenth Judicial Circuit because the Defendant cannot receive a fair and impartial trial in Colleton County.

After careful review of potential venues and courthouse facilities throughout the State, the Court finds that Sumter County is an appropriate venue for the retrial of Defendant. The Court finds that Sumter County provides an appropriate forum in which Defendant can receive a fair trial, while also offering the security measures, courtroom facilities, and technological capabilities necessary for the safe, orderly, and efficient conduct of these proceedings.

I. Constitutional and Statutory Framework

The Sixth and Fourteenth Amendments of the United States Constitution and Article I, Section 14 of the South Carolina Constitution guarantee a criminal defendant the right to trial by an impartial jury. *Irvin v. Dowd*, 366 U.S. 717, 722 (1961).

This ruling is made pursuant to South Carolina Code § 17-21-80 and supported by South Carolina case law. South Carolina Code § 17-21-80 authorizes the transfer of criminal proceedings to "another county in the same circuit" when the moving party establishes that "a fair and impartial trial cannot be had" in the county where the prosecution commenced. Pursuant to *State v. Law*, 265 S.C. 111, 217 S.E.2d 22 (1975), the circuit court retains the common law power to transfer venue to a county outside the circuit if a fair and impartial trial cannot be had in any county within the circuit in which the action was commenced. South Carolina law places the decision whether to change venue within the sound discretion of the trial court. *State v. Caldwell*, 300 S.C. 494, 388 S.E.2d 816 (1990). A trial court's ruling on a venue motion will be reversed only upon a showing of abuse of discretion. *State v. Neeley*, 271 S.C. 33, 244 S.E.2d 522 (1978).

The Court finds that Defendant has satisfied his burden under *State v. Manning*, 329 S.C. 1, 495 S.E.2d. 191 (1997) of demonstrating actual juror prejudice. Unlike the ordinary pretrial publicity case, the evidence before the Court is based on the actual results of voir dire conducted in this case in January 2023. Fewer than one in seven prospective jurors were qualified to serve, demonstrating an extraordinary degree of community exposure and prejudice. Second, under *Remmer v. United States*, 350 U.S. 377 (1956), the interference with the jury process by an officer of this Court is deemed presumptively prejudicial and cannot be measured by voir dire. Ultimately, the decision to change venue pre-voir dire lies within the sound discretion of the trial court provided that a showing of actual juror prejudice is made.

II. Findings of Actual Juror Prejudice

The Court finds that Defendant has satisfied his burden under *State v. Manning* of demonstrating actual juror prejudice. This ruling rests on four grounds: (1) the exceptional rate of juror disqualification during the January 2023 jury selection, (2) community prejudice arising from

the size of the county and long-standing association between the Defendant's family and the Fourteenth Circuit, (3) the South Carolina Supreme Court's determination that the former Colleton County Clerk of Court improperly influenced the jury, depriving Defendant of his Constitutional right to an impartial jury, and (4) the unprecedented breadth, persistence, and form of the publicity surrounding this prosecution.

A. The January 2023 Voir Dire Record

Unlike the ordinary pretrial-publicity case, the evidence before the Court consists of the actual results of voir dire conducted in this case in January 2023. Of the approximately 900 prospective jurors summoned and served with detailed questionnaires, only 123 were qualified, and from that number a strike sheet of eighty jurors was drawn. Fewer than one in seven venirepersons were qualified to serve. That is not a prediction about jurors. Instead, it is a fact established on the record of the same case, in the same county, on the same charges. *Manning* requires that the record consists of facts a court can find rather than conclusions a court is asked to adopt, and this record supplies precisely that. The Court is not asked to speculate about what voir dire would reveal because voir dire has already been conducted and the answer appears in the trial transcript. The Court further finds that the 2023 disqualification rate is a floor rather than a ceiling, as it reflects the community and the venire as they existed before the reversal, before the Clerk of Court's felony convictions, and before the renewed media coverage.

B. Community Prejudice in Colleton County

Defendant's family served as solicitors in the circuit for almost a century. That history increases the likelihood that prospective jurors hold personal, familial, professional, or inherited views concerning the Murdaugh family that cannot be reduced to exposure of a newspaper article. Some residents may associate the family with respect and public service; others with privilege,

influence, or resentment. Either direction presents a concern because the constitutional inquiry concerns impartiality, not whether community bias favors one party over the other.

Colleton County has approximately 39,000 residents, and community size and characteristics bear on whether publicity is likely to produce pervasive prejudice. *Skilling v. United States*, 561 U.S. 358, 382 (2010). A small venire pool compounds the remaining factors by limiting the Court's capacity to absorb juror disqualification.

C. Interference by the Clerk of Court

On May 13, 2026, the Supreme Court of South Carolina reversed and remanded this case for a new trial, holding that the Clerk of Court's improper external influence deprived Defendant of the right to a fair trial by an impartial jury. The Court held:

"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 Hill's comments had on the jury . . . Hill was elected by the very people who make up the Colleton County jury pool."

The Supreme Court has thus already determined that the elected Clerk of Court improperly communicated with jurors, that her conduct deprived Defendant of his constitutional right to a fair trial, and that she "placed her fingers on the scales of justice." The Court described that conduct as a "breathtaking and disgraceful effort . . . to undermine the jury process" that was "unprecedented in South Carolina." Under *Remmer*, interference with the jury process by an officer of this Court is deemed presumptively prejudicial and cannot be measured by voir dire.

Those findings bear on venue in two related ways. First, they have generated a further enormous body of publicity that prospective Colleton County jurors may have encountered. Jurors are no longer being asked only whether they have opinions about whether Defendant committed murder; they may also hold opinions about whether their county's judicial system unfairly convicted him, whether the Clerk behaved corruptly, whether the defense exploited a technicality,

or whether the Supreme Court was correct to reverse the verdict. Second, a retrial in the same county necessarily places the proceedings back in the institutional setting in which the constitutional violation occurred. Public confidence and juror impartiality are better protected by separating the retrial, to the extent authorized by statute, from the courthouse and local environment now inseparably associated with both the original conviction and its invalidation.

D. The Breadth, Persistence, and Form of Publicity

The principal distinction between this case and the typical publicity case is the breadth, persistence, and form of public exposure. This case has generated books, podcasts, television series, documentaries, streaming programs, and dramatizations. Unlike traditional news reporting, prospective jurors may have consumed more than ten books, more than six podcast series, more than seven documentary and television productions, more than twenty documentary episodes, and sustained social media attention. That exposure has continued for years and has never meaningfully subsided. The national reach of the coverage does not diminish the particular concern in Colleton County; to the contrary, the national media phenomenon repeatedly focused attention on events occurring in a relatively small South Carolina community and on a family whose legal and political history was already familiar to many residents of the Fourteenth Circuit. The result is the convergence of national media saturation and local community familiarity, a combination that makes this case materially different from one in which widespread national publicity concerns a defendant with no preexisting relationship to the local community.

E. The Court's Order in *Beach v. Parker*

This ruling is further supported by the Court's recent order in *Beach v. Parker*, in which the Court granted a motion to transfer venue outside the Fourteenth Judicial Circuit. There, the court found that the moving party made an affirmative showing that a fair and impartial trial could not

be had in Hampton County due to the extraordinary pretrial publicity and community attention surrounding the litigation. Specifically, the Court concluded that the extensive public discourse generated by (1) the settlement of the Mallory Beach wrongful death action and (2) the criminal prosecution of Alex Murdaugh, including the South Carolina Supreme Court's May 2026 reversal of Mr. Murdaugh's murder convictions, warranted a transfer of venue outside the circuit. The same publicity and public attention that justified transfer in *Beach* is present here and further supports this Court's determination that a change of venue is necessary to protect Defendant's constitutional right to a fair and impartial trial.

III. Section 17-21-85 Is Not an Adequate Substitute

This Court further concludes that empanelment under South Carolina Code § 17-21-85 is not an adequate alternative. That section permits a circuit judge who determines that an unbiased jury cannot be selected in the county of indictment to order that jury selection proceed in another county and that the jury be transported to the county of indictment for the duration of the trial. The statute directs the Court, in choosing between that procedure and a change of venue, to consider “all the logistical and expense elements” and, consistent with the demands of justice, to choose the method that “results in the least expense and greatest convenience for all parties” involved. It further provides that all expenses of jury selection in another county must be paid by the county in which the trial occurs.

Weighing those elements, the Court concludes that § 17-21-85 is not the preferable option here. The original murder trial lasted approximately six weeks, and maintaining an out-of-county jury in Colleton County for a comparable period would require daily or continuous transportation, overnight lodging, meals throughout trial and any period of sequestration, and substantial additional security to escort jurors, secure accommodations, and insulate them from the

extraordinary publicity surrounding this prosecution. Court personnel would be required to coordinate transportation, lodging, reimbursement, meals, security protocols, and inter-county communications while simultaneously managing one of the most highly publicized criminal retrials in this State's history. Because § 17-21-85 places those expenses on the county in which the trial occurs, Colleton County would bear them regardless of where the jury is selected. A traditional change of venue eliminates most of these recurring costs, as jurors would serve in their own county.

More importantly, while § 17-21-85 addresses the composition of the jury, it does not eliminate the concerns unique to trying this case in Colleton County. The trial would still occur in the same courthouse, before the same local community, and amid the same extraordinary media presence that surrounded the original proceedings. An outside jury would not remove the practical and symbolic effects of retrying this case in the very courthouse where the Supreme Court determined that Defendant's constitutional right to an impartial jury was compromised. Considering "all the logistical and expense elements," as the statute requires, a traditional change of venue is the more efficient, less burdensome, and more economical course, and it better satisfies the Legislature's directive while promoting public confidence in the integrity of these proceedings.

IV. Transfer Location

In reaching this determination, the Court carefully considered the relevant logistical and administrative factors associated with transferring venue, including, but not limited to, the financial impact on Colleton county; the convenience of witnesses; courthouse security; transportation and security of the Defendant; the adequacy of courtroom facilities and supporting infrastructure; the receiving court's docket and scheduling considerations; the technological capabilities of the courthouse; and any other logistical matters necessary to ensure the efficient

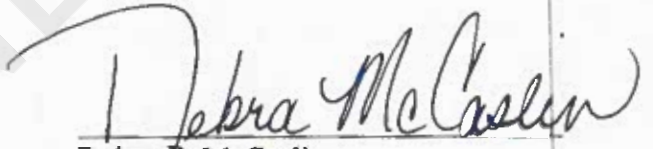
administration of justice. The Court also considered the Defendant's recommendations of Richland and Charleston courthouses, and notes the State agreed with leaving the decision to the Court's discretion.

After weighing these considerations, the Court finds that Sumter County is best suited to accommodate the needs of this case. Specifically, Sumter County provides an appropriate venue for ensuing Defendant receives a fair trial and possesses the security measures, courtroom facilities, technological capabilities, and supporting infrastructure necessary to conduct these proceedings safely and efficiently.

V. Conclusion

Accordingly, the Court orders venue is transferred outside of the Fourteenth Circuit pursuant to South Carolina Code Section 17-21-80 to Sumter County.

IT IS SO ORDERED.


Debra R. McCaslin
Presiding Judge

September 8, 2026

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