



HARPOOTLIAN

ATTORNEYS AT LAW

Richard A. Harpoottlian
rnh@harpoottlianlaw.com

Phillip D. Barber
pdlb@harpoottlianlaw.com

Andrew R. Hand
arb@harpoottlianlaw.com

Jamie L. Harpoottlian
Of Counsel
Admitted in Louisiana

October 1, 2026
VIA EMAIL ONLY

The Honorable Debra R. McCaslin
dmccaslin@sccourts.org

In re: *State v. Richard Alexander Murdaugh*
Indictment Nos. 2022-GS-15-00592, -593, -594, and -595

Dear Judge McCaslin,

I write on behalf of Mr. Murdaugh concerning the state of discovery in advance of the April 5, 2027, trial. Three defense motions to compel are pending before the Court, and five written discovery requests are outstanding with the State. The State's only response to any of them is a letter of September 17, 2026, which addressed one of the five letters and resolved nothing. The State has not responded to the letters of September 15, 21, and 23, 2026, whose response dates have passed, or to any of the motions. I set out below where matters stand and ask the Court to consider a procedure that will permit these disputes to be resolved before they consume the trial date.

Since the first trial ended in March 2023, the State has produced nothing to the defense in preparation for the retrial. The one exception is the DNA extracts and reserve samples from Items 70 and 71, which SLED released to Othram only because the Court granted Defendant's motion for independent laboratory review on August 14, 2026, over the State's opposition and SLED's written objection. Apart from that court-ordered transfer, the State has not produced a document, a report, a recording, or a file.

On August 5, 2026, Defendant filed his Supplemental *Brady* and *Giglio* Motion for Disclosure in Advance of Retrial, which asked that the State conduct an updated search and produce, within thirty days, the favorable and impeachment material that has come into existence since its original production. The State filed no response. At the August 14 hearing, Mr. Waters told the Court that the State is "always auditing discovery," that "there may have been things that we would turn over that developed since that time," and that the State was "in the process of doing that." (Hr'g Tr. 6:21–

1410 Laurel Street • Columbia, South Carolina 29201

Post Office Box 1090 • Columbia, South Carolina 29202

Telephone (803) 252-4848 • Facsimile (803) 252-4848 • harpoottlianlaw.com

OCT 1 2026 PM 1:51
COLLETON CO GS. GARY HALE

7:1.) He added that “anything that has developed since that time we will make sure to provide.” (Hr’g Tr. 14:8–10.) Seven weeks have passed. Nothing has been provided.

The Court directed counsel at that hearing to put specific requests to the State in writing. (Hr’g Tr. 42:2–10, 44:15–16, 45:6–11.) The defense has done so five times:

1. On September 11, 2026, Mr. Barber wrote to Mr. Waters reporting the quantitation results from Items 70 and 71, requesting the preservation and transfer of the remaining material from Item 25.1, and asking six specific questions about the .300 Blackout cartridge cases recovered at Moselle. The letter requested a response by September 15, which the defense extended to September 17 at the State’s request.
2. On September 15, 2026, the defense wrote to Mr. Waters requesting the raw FARO laser-scan data for the crime scene. The State’s November 3, 2022, production contained only a read-only viewer export, not the scan files themselves. The letter requested a response by September 17. None has come.
3. On September 21, 2026, Mr. Barber wrote to Mr. Waters requesting the raw extraction files, keychain files, and extraction logs for the cellular telephones seized in the investigation. The letter requested a response by September 25. None has come.
4. On September 23, 2026, Mr. Barber wrote to Mr. Waters requesting seven categories of supplemental discovery, among them the SLED laboratory case narrative after January 6, 2023, the SLED email after January 10, 2023, the recorded jail calls of Curtis Smith after January 18, 2023, and the native photographs from the firearms examination. The letter requested a response by September 25. None has come.
5. On September 30, 2026, Mr. Barber wrote to Mr. Waters a further letter of sixteen numbered requests, which expands upon the September 23 letter and reflects the defense’s comparison of SLED’s reports against the underlying laboratory data. The requests include interviews and statements that do not appear in the file, the swabs collected at the scene and never analyzed, the hair observed in Mrs. Murdaugh’s hands, the footwear impression in the feed room, and the cellular analysis working file. The letter requests a response by October 6, 2026.

The State’s only response to any of these letters is Mr. Waters’s letter of September 17, 2026, addressed to the September 11 letter alone. On the DNA, that letter commits the State to nothing. It asks for “another conversation between the experts” and offers that Mr. Waters would be “happy to facilitate a conversation.” The Court may recall that it granted the independent review on August 14 and asked for a quick hearing on the DNA “long before November.” (Hr’g Tr. 133:14–18.) On the .300 Blackout cartridge cases, the letter answers none of the six questions asked. The defense asked whether any agency has compared the Moselle cartridge cases or projectiles to those recovered in the Allendale County shootings, or in any other crime in the Second or Fourteenth Judicial Circuits since 2021, and, if so, with what result. The State’s answer is that the Moselle firearms evidence “has been

entered into IBIS” and that “[n]o leads have been generated to date to warrant further comparisons.” The letter does not say whether an examiner has compared the Moselle cartridge cases or projectiles to those from any other shooting, or what any comparison showed. It does not say what the State means by a “lead.” And it states that SLED “will object” to a comparison by a defense examiner because the Allendale cases “remain open.” A database correlation is not a comparison, and a report that a database returned no “leads” is not an answer to the question whether a match exists.

Because the letters produced nothing, the defense filed its Motion to Compel on September 18, 2026, addressed to the DNA, the .300 Blackout cartridge cases, and the FARO data; a second Motion to Compel on September 28, 2026, addressed to the telephone extraction files; and a third Motion to Compel on September 29, 2026, addressed to the 2023 statement to SLED concerning the disposal of the murder weapons and the State Grand Jury testimony taken on that subject. Each motion asks the Court to set a short deadline for production and to take the motion up on an expedited basis without awaiting the November 13 hearing. The State has filed no response to any of the three and has not said when it will.

The State’s conduct before the first trial shows where this leads if the Court does not intervene. The State made twenty-five productions between August 31, 2022, and February 1, 2023. Fourteen of them came on or after December 8, 2022: eleven in the seven weeks before jury selection began on January 23, 2023, and three after the trial was under way. The material delivered in that period included the DNA case files and STRmix data, the Bevel reports, Kenneth Kinsey’s final report of January 12, 2023, the SLED *Giglio* response of January 13, 2023, two further sets of Mr. Smith’s jail calls, and the SLED policies the defense had requested in September 2022. On January 30, 2023, the sixth day of trial and the day before SLED’s examiner testified, the State delivered the full extraction of Mr. Murdaugh’s own telephone, which SLED had made on September 6, 2021. The defense had written to Mr. Waters on September 6 and 13, 2022, asking for the State’s electronic evidence “as quickly as possible,” and the defense had moved for a forthwith order that same month. The defense cannot again be made to receive, review, and prepare to meet the State’s evidence on the eve of trial or after it has begun.

The defense is at a standstill. Its reconstruction experts cannot build the shooting reconstruction without the raw FARO scan data, and because the kennel area has since been demolished, no new scan can be taken. Its digital forensic examiner cannot examine the telephones without the extraction files. The further DNA analysis the Court authorized awaits the transfer of Item 25.1 and the State’s answer on consent. Its firearms examiner cannot begin until the State says what comparisons have been made. Meanwhile, the State has apparently reopened its State Grand Jury investigation of this matter. On August 31, 2026, seventeen days after the August 14 hearing, a subpoena issued on Mr. Waters’s application for testimony before the State Grand Jury on September 15 through 17, 2026, and press reports indicate that the testimony concerned the disposition of the murder weapons. The defense has received nothing from that investigation, and nothing of the 2023 statement that prompted it.

The State's silence toward the defense, set beside its activity before the grand jury, leaves the defense to conclude that the State does not intend to produce anything voluntarily. The Court set the trial for April 5 and said it intends to stick by that date. (Hr'g Tr. 54:20.) If the pending discovery disputes are not resolved until the ordinary motions calendar reaches them, the Defense will be positioned to seek a continuance on the ground that, having received the State's productions at the last moment, it will not be ready for trial. The Defense does not want a continuance and should not be put in the position of needing one.

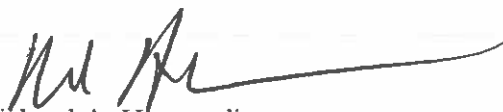
The defense therefore respectfully asks that the Court:

1. Direct the State to respond forthwith to the Motions to Compel of September 18, 28, and 29, 2026, and to the defense's letters of September 15, 21, 23, and 30, 2026, stating as to each item whether the State will produce it and the date on which it will do so;
2. Consider ruling on the motions to compel on the papers, either after the State responds or, if the State does not respond by a date the Court sets, without a response;
3. Consider hearing discovery matters by video conference, or at more frequent in-person hearings, rather than holding them for the next scheduled pretrial hearing; and
4. If the Court prefers in-person hearings, schedule them without awaiting arrangements for Mr. Murdaugh's transport. Mr. Murdaugh will waive his presence at hearings confined to discovery matters.

Thank you for the Court's consideration of these requests.

With warm personal regards, I am

Sincerely,



Richard A. Harpootlian

cc: All Counsel of Record

OCT 1 2026 PM 1:51
COLLETON CO GS, GARY HALE