

**STATE OF SOUTH CAROLINA
COUNTY OF SUMTER**

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

**COURT OF GENERAL SESSIONS
THIRD JUDICIAL CIRCUIT**

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

**REPLY IN SUPPORT OF MOTION TO
COMPEL PRODUCTION OF
CELLULAR TELEPHONE
EXTRACTION FILES**

Defendant Richard Alexander Murdaugh replies to the State's Response in Opposition of October 6, 2026. The defense wants the full file system extractions of Maggie Murdaugh's telephone and Paul Murdaugh's telephone, in the native form in which GrayKey or similar software produced them, with the keychain files and extraction logs. The State's response says that the defense was previously given these extractions, which were provided directly to Chip Johnson, the defense's former cell phone expert, but that the files on the external drives provided were deemed corrupted and so replacements were provided. It appears that what was then given as replacements were not the unprocessed GrayKey extractions, but the reports generated by Cellebrite and other software tools when SLED Lt. Dove used those tools to process and decode the extractions. *See, e.g.,* Trial Tr. 1257-58 (Lt. Dove testimony about using GrayKey to collect an extraction from Alex Murdaugh's phone, using Cellebrite and AXIOM to process that extraction, and placing what the prosecutor described as "a full copy of the Cellebrite report" on the hard drive that was introduced into evidence). "Report" in this context can be confusing, because what was provided included many folders with many extracted files, including system files like the KnowledgeC database. Indeed, the State itself appears confused, stating in its January 19, 2023, email that "[t]hey never did a full extraction." (State's Resp. Ex. G.) Exhibit C to the State's response, however, confirms that full extractions were performed.

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The full reports were adequate for defense purposes during the first trial. The defense has not claimed otherwise. For the upcoming trial, however, they are not. The defense's mobile device expert has stated that these extractions are needed to move forward with work on cell phone forensics. The expert told defense counsel exactly what is needed, and defense counsel pasted that request first into a letter to the prosecution, sent on Monday, September 21, and then, when the prosecution failed to respond, into a motion filed on Monday, September 28. The defense does not want a shouting match with the State on this issue; the defense just wants the extractions to be produced far enough in advance of trial for the defense expert to complete work on them in time for the defense's other experts to incorporate that work in their own work, which must in turn be completed well before trial.

The State insists that no production was made on January 30, 2023, as stated in the motion to compel, and that the referenced production instead was ten days earlier, on January 20. *See* Exhibit J to the State's response. The defense files do appear to be in error about the date by ten days. Regardless, production on January 20, the business day before the start of trial, is not materially timelier than production on January 30, the third day of the State's case in chief. Further, Exhibit C to the State's response shows that the extractions were created in June 2021 (Maggie), September 2021 (Alex), and March 2022 (Paul), but first provided to the defense on October 25, 2022, more than seventy business days after the indictments and fewer than sixty business days before trial.

This time, the defense needs the extractions to be produced more than a couple of months before trial, which is why the defense letter, sent on a Monday, requested that the State confirm by the end of the week whether it would produce the extractions. If this urgency offends the State's sensibilities, that is perhaps regrettable but certainly unavoidable. But motion practice, and the

State's evident frustration, could have been avoided if the State had simply responded to the defense's letter requesting the extractions. The defense did not unilaterally set any deadline for the State's production; it merely asked the State to confirm by the end of the week that it would in fact produce the requested phone extractions. (Mot. Ex. A at 2 ("Please advise by the close of business on Friday, September 25, 2026, whether the State will produce the extraction files and logs identified above.")) It does not take more than a week to respond with a one-sentence email stating that the extractions will be provided. Had the State confirmed it would produce the extractions, the State and the defense presumably would have conferred to determine the timing and logistics of the production. Instead, the State did not respond at all, the defense was forced to file a motion, the State responded to that motion only after the Court ordered it to respond, and the parties are now engaged in headline-garnering motion practice more than two weeks after the defense privately sent correspondence to the prosecution asking for confirmation that these extractions would be produced.¹

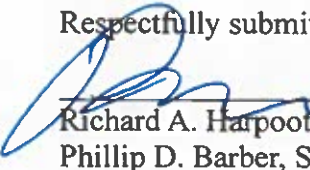
The State's response does, eventually, state that the extractions will be produced.² The defense therefore will have a staff member deliver a suitable external hard drive to the prosecution, or to any SLED office designated to receive it. If the State will simply copy the extractions

¹ The State also asks why the September 2021 extraction of Mr. Murdaugh's telephone appeared in the September 21 letter but not in the motion. The answer is the one the State would expect: between the letter and the motion the defense confirmed that it holds that extraction, and it therefore did not ask the Court to compel it. The motion said so. (Mot. at 6–7.)

² The balance of the State's response addresses the defense's credibility, the first trial, and matters unrelated to telephones. The defense will not answer in kind. It notes only that the absence of an objection at the first trial is not a defense to a Rule 5 request made before the second and that the question before the Court is not what the defense should have noticed in 2022 but whether the State will produce certain extraction files in 2026.

depicted in Exhibit C to its response to that hard drive and return it to the defense at or before the October 16, 2026, hearing, this motion will be moot.

Respectfully submitted,



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October 7, 2026
Columbia, South Carolina.

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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 October 7, 2026, I did serve via electronic delivery the following document to the below mentioned person:

Document: Reply in Support of Motion to Compel Production of Cellular Telephone Extraction Files

Served: Creighton Waters, Esquire
Office of The Attorney General
cwaters@scag.gov


Holli Miller

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