

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

STATE'S MOTION TO UNSEAL AND
RESPONSE TO MOTIONS TO UNSEAL
AND TO MODIFY PROTECTIVE ORDER

The State hereby moves to unseal with appropriate redactions (1) the sealed *in camera* portion of the original trial transcript, and related investigative materials, that led to exclusion of Juror 785 for misconduct, and (2) documents and video interviews from the investigation into former Colleton Clerk of Court Becky Hill for allegations of jury tampering. Through this document the State also responds to Defendant Murdaugh's motion to modify the protective order and a motion by Juror 785 to unseal Becky Hill investigative materials. As will be seen, the State favors unsealing, but given the sensitivity of juror identification and other information in the record, unsealing and release should only take place after careful redaction of such information.

BACKGROUND

The procedural history to fully describe these two issues is extensive.

On August 31, 2022, Judge Newman issued a protective order in which he noted the high-profile nature of the case and the sensitivity of the information, and generally prohibited the parties from disseminating the evidence in the murder case except as was necessary to litigate the matter in court. As SGJ assigned judge, the court previously had issued a standard State Grand Jury Protective Order on January 7, 2022. The State Grand Jury evidence is extensive, including approximately 80 transcripts and hundreds

of gigabytes of subpoenaed and gathered information. Much of it is directly relevant to the murders as well.

Prior to the first trial, Judge Newman issued an Order of Nondisclosure of Juror Information, dated December 28, 2022, in which he prohibited anyone "from disclosing the name, address, employment, and any other personal identifiable information of any juror summoned." Violation was punishable by contempt. On January 17, 2023, Judge Newman issued an Order Regarding Media Coverage, in which he stated that "jurors are to be identified only by juror number and not by name," and "no juror may, at any time, be photographed, recorded, or identified."

At the beginning of trial, Judge Newman repeatedly reminded the prospective jurors and ultimately the selected jurors not to discuss the case with anyone. See, e.g. Tr. 177, 417. Throughout trial, Judge Newman continually reminded the jurors that they were not to discuss the case with anyone.¹

On February 28, 2023, the day before closing arguments were to begin, Judge Newman received information that a juror was having improper communications with external parties in violation of the court's order. Tr. 5737 – 5738. After the State rested following its reply case, the trial court with counsel present conducted an *in camera*

¹ (Tr. 99, ll. 10-12; Tr. 127, ll. 13-20; Tr. 177, ll. 22-25; Tr. 452, ll. 12-18; Tr. 502, ll. 2-4; Tr. 566, ll. 9-11; Tr. 627, ll. 14-15; Tr. 710, ll. 18-19; Tr. 810, ll. 21-23; Tr. 840, ll. 6-8; Tr. 861, ll. 18-20; Tr. 908, ll. 24-25; Tr. 1001, ll. 6-8; Tr. 1125-26; Tr. 1251, ll. 10-12; Tr. 1513, ll. 3-5; Tr. 1535, ll. 13-18; Tr. 1694, ll. 24-25; Tr. 1950, ll. 20-21; Tr. 1966, ll. 11-14; Tr. 2140, ll. 14-15; Tr. 2228, ll. 23-25; Tr. 2304, ll. 13-15; Tr. 2480, ll. 15-17; Tr. 2542, ll. 17-18; Tr. 2649, ll. 12-14; Tr. 2877, ll. 22-24; Tr. 2933, ll. 16-18; Tr. 3005, ll. 18-20; Tr. 3034, ll. 4-5; Tr. 3058, ll. 4-5; Tr. 3231, ll. 1-2; Tr. 3322, ll. 9-10; Tr. 3352, ll. 6-8; Tr. 3384, ll. 14-16; Tr. 3451, ll. 19-20; Tr. 3553, ll. 13-14; Tr. 3831, ll. 8-9; Tr. 3883, ll. 4-6; Tr. 3904, ll. 9-10; Tr. 3923, ll. 7-8; Tr. 3972, ll. 20-21; Tr. 4048, ll. 2-4; Tr. 4130, ll. 15-21; Tr. 4202, ll. 12-14; Tr. 4271, ll. 12-13; Tr. 4310, ll. 13-14; Tr. 4394, ll. 21-25; Tr. 4462, ll. 14-16; Tr. 4534, ll. 13-14; Tr. 4593, ll. 20-21; Tr. 4693, ll. 12-14; Tr. 4748, ll. 17-19; Tr. 4774, ll. 21-22; Tr. 4890, ll. 16-20; Tr. 4966, ll. 20-24; Tr. 5014, ll. 18-20; Tr. 5065, ll. 5-6; Tr. 5084, ll. 8-12; Tr. 5147, ll. 20-21; Tr. 5280, ll. 16-17; Tr. 5359, ll. 22-23; Tr. 5526, ll. 10-12; Tr. 5656, ll. 2-5; Tr. 5668, ll. 20-25; Tr. 5816, ll. 13-15; Tr. 5851, ll. 8-11).

hearing in which an inquiry was made into juror misconduct. Tr. 5526 – 5544, 5550 – 5563. During the evening hours, additional information about the matter was received from witnesses.

The following day, March 1, 2023, the trial court with counsel present conducted another *in camera* hearing following conclusion of the State's closing argument. Information and witnesses were examined by the trial court and counsel during this *in camera* hearing. Tr. 5669 – 5737.

On March 2, 2023, the trial court addressed the issue on the record and excluded Juror 785 for violation of the court's instructions. The trial court also ordered the *in camera* hearings and evidence gathered during the inquiry to be sealed:

THE COURT: First off this morning, we have to deal with the issue involving the removal of a juror. A few days ago I received a complaint from a member of the public indicating that a juror had engaged in improper conversations with parties not associated with the case. I communicated and provided a copy of the communication to defense counsel. After court we then met with the juror on the record, and the juror denied any – denied discussing the case with anyone not on the jury, or with anyone on the jury. She provided information that led us to -- the Court to contact the persons that she was suspected of having conversations with concerning the case. Those individuals were interviewed and provided an affidavit regarding the contact that the jury had – juror had with them. We then also brought those two individuals in and had a hearing on it in chambers and on the record in the presence of counsel yesterday, in which both of those individuals waffled on the nature and the extent of the contact. They also provided a recorded interview, or the State provided the Court an interview with the jurors[sic]², and I've reviewed that interview last night.

So, the juror has had contact or discussions concerning the case with at least three individuals. And though it does not appear that the conversations were that extensive, it did involve the juror offering her opinion regarding evidence received up to that point in the trial that the conversation took place. And in order to preserve the integrity of the process and the interests of both the State and the defense in a fair trial, that juror will be removed and replaced by another juror. I will make a part of the record, under seal because of maintaining the confidentiality or identity of

² The court was clearly referring to its review of interviews with two witnesses.

the jurors, I will place under seal the Court interview, affidavits received, and the -- and both discussions with counsel taking place on the record. And all of that will be made a part of the record in the case. And we will bring the juror out to inform her that she will no longer -- her services will no longer be needed. We will then replace her with an alternate juror.

Tr. 5737 – 5739. The defense did not object to exclusion of the juror, noting that “it’s muddled,” but that the defense would defer to the Court’s judgment. The defense did complain that the inquiry had been conducted by SLED. **Tr. 5739.** These sealed portions of the transcript and associated evidence are the subject of the *first* part of the current motion before this Court.

Following the unanimous and polled guilty verdict, the trial court, in giving final thanks and instructions to the jurors, told them:

Now, one thing before you go. Of course, we have invested a lot in maintaining the privacy of the jury of each one of you, and you are free at this point to discuss the case with anyone. And given the high profile nature of the case, I’m certain that the – many people in the media would like – will probably want to communicate with you, but they have no means of contacting you because under order that I issued, the identity of the jurors must be kept private. And if you decide that you want to speak with anyone – local, state, nationally, or internationally – that is your prerogative. However, should anyone harass you, please let me know and I will address those issues. If anyone through the – somehow or another discover your identity and harass you and – rest assured I will intercede on your behalf. That having been said, you are free to communicate with whomever you might want to concerning the case from now on. So with that, thank you, and you are all are free to go.

Tr. 5879 – 5880.

On September 5, 2023, the defense filed a Motion to Suspend Appeal, in order to pursue trial level remedies for allegations of jury tampering by the Colleton Clerk of Court, Becky Hill. On October 17, 2023, the defense filed its Motion for a New Trial, in which it attached in part an affidavit from Juror 785 alleging comments from the clerk. The State filed a Response to Defendant’s Motion for a New Trial; and State’s Motion to Strike on

November 7, 2023. Other pleadings followed.

Attorney Joe McCulloch, attended every day of trial as a defense-oriented “media commentator,” represents Juror 785. On November 2, 2023, Judge Newman signed a consent order to unseal records so that attorney Joe McCulloch could review the sealed materials. This consent order prohibited dissemination or further disclosure of the sealed inquiry into Juror 785.

Retired Chief Justice and Acting Circuit Court Judge Jean Toal was appointed to handle litigation of the motion for a new trial. A SLED investigation was conducted into the allegations of jury tampering. This investigation conducted interviews of jurors, court staff, and relevant witnesses, generating in most cases both memorandums of interview as well as bodycam footage. Relevant documents were also obtained. It is the result of this investigation that is the subject of the **second** part of the current matter before this Court.

On January 4, 2024, Judge Toal issued a Protective Order for information gathered during the investigation into the motion for a new trial. The court noted that its order expanded on the Protective Order issued by Judge Newman on August 31, 2022, relating to murder trial evidence. Generally, the order provided access to the defense of the motion for a new trial evidence, but generally prohibited dissemination and redisclosure except ‘as is necessary to fairly investigate, prepare, and litigate the post-trial motion.’ On January 24, 2024, Judge Toal issued a Supplemental Order Regarding Media Coverage for Post-Trial Motions, in which the court among other things “reiterated its position that jurors were not to be identified by photograph, name or otherwise in connection with the inquiry occasioned by the Defendant’s post-trial motion for new trial.”

Evidentiary hearings on the motion for a new trial were conducted before Judge Toal on January 26 and 29, 2024. Testimony was taken from the twelve sitting jurors (who unanimously found defendant guilty), one alternate juror, the Barnwell Clerk of Court Rhonda McElveen, and former Colleton Clerk of Court Becky Hill, who is the subject of the tampering allegations. Prior to testimony on January 29, 2024, Judge Toal advised in open court:

Now, I realize full well that many of you who attended this trial for many, many weeks probably know these jurors, and I'm not making any further statement about what you do or don't do in terms of identifying the jurors, but I don't want any photographs. I don't want any photographs taken of the jurors by the media.

January 29 Tr. 34. Prior to the jurors testifying, Judge Toal advised them together:

What I'm going to do now is dismiss you to the jury room, and one by one I will call you and I will refer to you by a letter that I have just assigned you that isn't your jury number and certainly isn't your name. You know, these people in the media saw y'all all through the trial. They probably know who you are, but I'm trying to do my duty as I see it when I make your appearance here anonymous to the record, and only the court reporter will have a sealed document by me indicating what the key means in terms of your juror number and your name.

So, I'm doing, doing everything I can do about this matter, but it goes without saying that your business is your own business. You don't have to interview with a soul, not lawyers, not media, not anyone after this matter. That choice is purely yours, and I will respect that and protect that to the best I can if anything comes up afterwards.

January 29 Tr. 42.

Eleven of the jurors denied being influenced and a couple of them mentioned some relatively benign comments from the Clerk. During the testimony of the 12th juror -- Juror Z -- who like Juror 785 also is represented by Attorney McCulloch, the State and Mr. Harpootlian agreed to admit into evidence the affidavit that Juror Z signed that was attached to the defense motion for a new trial. In that affidavit Juror Z stated that despite

claiming to have heard more egregious things than to which the other jurors testified, the reason she voted guilty was pressure from jurors. Attorney McCulloch, who was seated in the gallery behind defense table and passing notes to defense counsel, was "heard" to exclaim something and quickly leave the courtroom. He then returned with a new affidavit from Juror Z in an attempt to modulate her testimony, but Judge Toal declined to consider it while ultimately making it a part of the record. **January 29 Tr. 102 – 105, 234, 237-238.** Judge Toal orally denied the motion for a new trial from the bench. **January 29 Tr. 248 – 255.**

On April 4, 2024, Judge Toal issued a written Order Denying Defendant's Motion for a New Trial, in which she credited the testimony of eleven jurors, found Juror Z's vacillating responses not credible, and found that regardless a few "foolish and fleeting" comments by the clerk were not sufficient to undermine confidence in the verdict after an extensive six week trial. The defense appealed Judge Toal's order and that appeal was consolidated with the underlying appeal from the murder trial itself.

On June 25, 2024, Attorney McCulloch requested a consent order unsealing the sealed juror inquiry from the original trial, and counsel for defendant Murdaugh immediately consented. The State responded that it was happy to have a hearing, but felt like the issue of unsealing was so sensitive that judicial decision making was required. The State also raised issues of jurisdiction given that it currently was then with the appellate court. Ultimately, on September 4, 2024, Attorney McCulloch filed with the Supreme Court on behalf of Juror 785 a "Petition for Limited Intervention and Motion to Unseal Record and Memorandum in Support". The State filed a response on September 16, 2024. The Supreme Court denied Juror 785's petition on October 31, 2024. Juror

785 sought rehearing, which was denied by order dated December 12, 2024.

On December 8, 2025, Clerk Hill pled guilty to various charges following an investigation into her that had been referred for handling to Eleventh Circuit Solicitor Samuel R. Hubbard, III. Clerk Hill pled guilty to various misconduct charges regarding the conduct of her office, and to perjury for lying to Judge Toal about whether she had shown sealed images to the media during trial, but no jury tampering charges were brought because the Solicitor concluded the evidence was insufficient to prove a criminal case beyond a reasonable doubt.

On May 11, 2026, Attorney McCulloch sent a FOIA requesting the investigative file into Clerk Hill.

On May 13, 2026, the South Carolina Supreme Court issued its opinion reversing Defendant's murder convictions due to comments made to the jury by the former Clerk of Court Becky Hill. On May 20, 2026, Attorney McCulloch filed on behalf of Juror 785 a Motion to Intervene for Limited Purpose and Petition for Review of Protective Order. On May 20, 2026, Defendant Murdaugh filed a Motion to Modify the Court's Protective Order Dated January 3, 2024, in which he sought to allow the new trial evidence to be used in a federal civil action Murdaugh has filed against former Clerk Hill. On June 4, 2026, the State filed with the Supreme Court a "Motion to Retract Conditional Objection and Unseal and Remove Restrictions as to the *In Camera* Hearing Transcript Supporting Juror 785's Removal", in which it argued the public interest strongly supported unsealing the records for public use since the jury matters were generally no longer in controversy. *Id.* at 3–4. Following this motion, the Supreme Court deferred ruling on the issue to this Court.

DISCUSSION

As seen below, the State agrees as a general matter that the Court should unseal the sealed *in camera* hearings and related evidence from the murder trial, as well as the Becky Hill investigative materials. However, unsealing should only occur after redaction of juror identifying information and other sensitive information in the records.

Ultimately, it is respectfully submitted that the judicial system has an obligation to protect juror identities and other sensitive information about them. As the procedural history above demonstrates, both the trial court and the court on the motion for a new trial issued orders protecting juror identities. Both courts also promised the jurors directly that they would not release their identifying information or allow it to be released. Those promises should continue to be honored by the judicial system, and the high profile nature of this matter only enhances the need to protect these identities and other sensitive information.

Though some jurors in this matter have gone public in their discussion of the case, that does not relieve the judicial system of its obligation, as stated in multiple orders and in open court to the jurors themselves – that *it* would not release their identities. It is a common rule that just because another party without secrecy obligations releases information does not mean that an entity with statutory or other duties to protect confidential information is suddenly relieved of its obligations. Simply put, while a juror can decide to go public, this does not relieve the court system of its independent obligation to do what it said it was going to do and protect that information. And, of course, most jurors did not go public.

The caselaw amply supports these reasonable restrictions on post-adjudication

disclosure of records and materials concerning litigated allegations of juror issues. See Press-Enter. Co. v. Superior Ct. of California, Riverside Cnty., 464 U.S. 501, 512 (1984) (“When limited closure is ordered, the constitutional values sought to be protected by holding open proceedings may be satisfied later by making a transcript of the closed proceedings available within a reasonable time, if the judge determines that disclosure can be accomplished *while safeguarding the juror’s valid privacy interests*. Even then a valid privacy right may rise to a level that part of the transcript should be sealed, *or the name of a juror withheld*, to protect the person from embarrassment.”) (emphasis added); *id.* at 513 (“The trial judge should seal only such parts of the transcript as necessary *to preserve the anonymity of the individuals sought to be protected.*”) (emphasis added).³

In United States v. Edwards, 823 F.2d 111, 113 (5th Cir. 1987), the district court conducted a mid-trial *in camera* hearing into potential juror misconduct. Post-adjudication, the district court ordered juror names redacted from the *in camera* hearing. *Id.* at 114. The Fifth Circuit upheld the limited redaction of juror names, declaring: “redaction of juror names or portions of the transcript may constitute a reasonable alternative to safeguard jurors from unwarranted embarrassment and yet preserve the competing interests served by disclosure.” *Id.* at 120 (citing Press-Enter. Co., 464 U.S. at 512).

Ex parte Greenville News, 326 S.C. 1, 482 S.E.2d 556 (1997), is directly on point and instructive to the present motion. William Bell was convicted for capital murder and sentenced to death in 1988. *Id.* at 3, 482 S.E.2d at 557. An allegation of juror misconduct surfaced post-trial. *Id.* In 1995, the trial court opened an inquiry having jurors and other

³ Though not explicitly related to juror issues, a current standing order from the Supreme Court concerns sensitivity to privacy concerns in appellate litigation. *See Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, App. Case No. 2013-002681 (S.C. Sup. Ct. filed April 15, 2014); *see also* Rule 41.2, SCRCP (privacy in civil action filings).

persons relevant to the allegation deposed. Id. The trial court sealed the depositions during the post-adjudication proceeding. Id. Citing the First Amendment, third-party intervenors requested access to the sealed transcripts or alternatively to redacted transcripts. Id. at 4, 482 S.E.2d at 557. The trial court rejected the request entirely, finding that redaction was inadequate to protect jurors' privacy. Id. On appeal, the Supreme Court held that the trial court erred in totally preventing access to the sealed matters, yet emphasized the compelling interest of juror privacy in ordering limited redaction of personal identifying juror information. Id. at 4–5, 482 S.E.2d at 557–58.

In ruling so, the court adopted the Fifth Circuit's analysis in Edwards stating that the public disclosure of an adjudicated allegation of juror misconduct is not mutually exclusive from protecting the privacy of the jurors previously under examination. Id. Our court reasoned that where the transcript will reveal the substance and significance of the issues, the usefulness of releasing jurors' names is questionable. Id. at 5–6, 482 S.E.2d at 558. Our court further noted, "[r]edaction also satisfies the requirement that closure be narrowly tailored." Id. Assuming this Court grants Defendant relief in the form of a modified protective order, this Court should adopt the reasoning in Greenville News and require redaction of juror names and other revealing information.

There are some practical and logistical matters to consider. First, transcripts and other documents such as Memorandums of Interview can be redacted fairly easily. However, the MOIs were merely summary documents and not intended to be exhaustive. The video recordings of the complete interviews can be redacted with black boxes and audio "bleeps", but it will take a time and resources to complete. Even non-juror witness

interviews will have to be carefully redacted to protect sensitive information.⁴

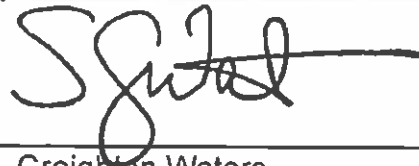
CONCLUSION

It is respectfully submitted that the sealed *in camera* hearings and related investigative materials that led to exclusion of Juror 785 for misconduct be unsealed, and that the protective order be modified to allow public release as to the investigation into allegations of improper jury contact. However, these materials should be redacted to protect juror identifying information and other sensitive information. It is also respectfully submitted that given this is a collateral matter to preparation for an already complex and high profile case, in addition to having to manage a number of other complex State Grand Jury investigations and prosecutions, that sufficient time be given for the State to effectuate the redactions.

Respectfully submitted,

ALAN WILSON
ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

By:



S. Creighton Waters
Sr. Assistant Deputy Attorney General

JUL 6 2026 AM 11:40
COLLETON CO GS. GARY HALE

Columbia, South Carolina
July 3, 2026

⁴ Defendant's requested relief has no bearing on the present case and pre-trial posture. Defendant is seeking to have a modified protective order for purposes of seeking unimpeded discovery in a collateral federal civil action against the former Colleton County Clerk of Court Becky Hill. Discovery in that matter is not due until the end of the year. See generally Murdaugh v. Hill, 2:26-cv-01989-RMG, ECF # 13 (conference and scheduling order). It should also be noted that Murdaugh himself filed a consent confidentiality order for discovery in that case -- which generally precludes dissemination to third parties of documents and discovery deemed confidential. Murdaugh v. Hill, 2:26-cv-01989-RMG, ECF # 14.

ATTACHMENTS

- (1) State Grand Jury Protective Order filed January 7, 2022
- (2) Order of Non-Disclosure of Juror Information filed December 29, 2022
- (3) Temporary Protective Order filed August 31, 2022
- (4) Order Regarding Media Coverage filed January 17, 2023
- (5) Protective Order (motion for new trial filed January 4, 2024
- (6) Supplemental Order Regarding Media Coverage for Post-Trial Motions filed January 24, 2024

*The unredacted trial transcript and motion for a new trial transcript will be provided to the Court electronically.

JUL 6 2026 AM 11:40
COLLETON CO GS. GARY HALE

FILED

JAN 07 2022

STATE GRAND JURY OF SOUTH CAROLINA

MARGARET J. SELF
CLERK, SC STATE GRAND JURY

STATE OF SOUTH CAROLINA)	Investigation No. SGJ 2021-296
)	
v.)	Indictment No. 2021-GS-47-27, 28, 29, 30, 31
)	
RICHARD ALEXANDER)	
MURDAUGH,)	
)	PROTECTIVE ORDER
)	
Defendants.)	
)	
)	

This matter comes before the Court on motion of the Attorney General of South Carolina (the "Attorney General") requesting authorization to disclose State Grand Jury material to the attorneys for the defendants in the above-captioned case for purposes of providing the pre-trial discovery required in criminal cases. South Carolina Code Ann. § 14-7-1720 generally provides that State Grand Jury material is secret ,but allows disclosure for the purpose of "complying with constitutional, statutory, or other legal requirements or to further justice". See S.C. Code Ann. § 14-7-1720(A)(5). Additionally, defendants are entitled to discovery in criminal cases, pursuant to the constitution, statute, and rule. See Brady v. Maryland, 373 U.S. 83 (1963); Evans v. State, 363 S.C. 495, 611 S.E.2d 510 (2005); S.C. Code Ann. § 14-7-1700; Rule 5, SCRCrimP.

However, the State Grand Jury statute also provides that disclosure of State Grand Jury evidence and testimony "must be made in that manner, at that time, and under those conditions as the court directs". See S.C. Code Ann. § 14-7-1720(A). Moreover, this Court has the jurisdiction and duty to protect the secrecy and integrity of the grand jury process, and to punish for contempt for violations of orders or process issued in a State Grand Jury case. See generally South Carolina Code Ann. § 14-7-1730; State v. Blanton, 278 S.C. 597, 300 S.E.2d 286 (1983) (in contempt case for attempting to influence a grand juror, noting that the court has an implied

and necessary common law power to punish for contempt). Therefore, pursuant to the Court's power to direct the manner and conditions of disclosure, and in order to protect the integrity and secrecy of the State Grand Jury process, any disclosure is strictly subject to the conditions set forth below.

IT IS HEREBY ORDERED that the provisions of this Order are applicable to any current or future defendants, and any current or future attorneys appointed for or retained by any current or future defendants, for any indictments in the above-referenced State Grand Jury investigation assigned to this Court. If this State Grand Jury investigation produces additional defendants or indictments other than the ones listed in the caption above, and those additional defendants or indictments are assigned to this Court, this Order shall have full force and effect on those defendants and their current or future attorneys as if they were expressly listed in the caption above. Similarly, any necessary staff of any current or future attorneys, and any experts, investigators, or other consultants who participate in any fashion in the defense of any charge currently indicted or indicted in the future in this State Grand Jury investigation which is assigned to this Court, shall be subject to the provisions of this Order.

IT IS FURTHER ORDERED that the Attorney General is authorized to disclose to the attorneys for the defendants in the above-captioned case testimony and evidence received by the State Grand Jury and interviews of witnesses and other documents which must be disclosed under normal circumstances of criminal discovery in preparation for a trial. Any material connected with this State Grand Jury investigation relating to intercepted wire, electronic, or oral communications shall be subject to the protections of this Order as well as S.C. Code Ann. § 17-30-10, *et. seq.* This State Grand Jury material is being provided only for purposes of the trials of the above-captioned case, and any other use and any other use or disclosure by an attorney or

defendant subject to this Order is strictly prohibited. The State Grand Jury material is not to be shown to anyone with the exception of the defendant, his or her attorney, and necessary staff employed within the attorney's office.

IT IS FURTHER ORDERED that any defendant who is now or becomes subject to this Order is prohibited from disclosing or discussing State Grand Jury material with anyone other than his or her attorney, the necessary staff of his or her attorney, or any experts, investigators, or other consultants participating in his or her defense to any charges brought now or in the future in the above-referenced State Grand Jury investigation. It is the responsibility of the attorney to ensure any defendant to which disclosure is made is aware of the provisions of this Order and the penalties for violation of this Order.

IT IS FURTHER ORDERED that any necessary staff of the attorney who receive access to or disclosure of State Grand Jury material are prohibited from showing it to anyone other than the defendant, the attorney, and other necessary staff employed within the attorney's office, and necessary staff of the attorney are similarly subject to the provisions of this Order. It is the responsibility of the attorney to ensure any staff to which disclosure is made is aware of and complies with the provisions of this Order.

This Order does not limit the attorney from discussing the case with other attorneys for co-defendants (if applicable and if the codefendants' attorneys have also been provided the same State Grand Jury evidence or testimony pursuant to a disclosure or protective order). However, subject to the provisions below, the information provided through discovery cannot be photocopied, scanned, digitized, etc. and disseminated even to other co-defendants or their attorneys except that if a court-appointed attorney or public defender purchases copies of the State Grand Jury transcripts from the court reporter, that attorney may share and disseminate

copies of the State Grand Jury transcripts to other court-appointed attorneys or public defenders involved with this case in order to prevent multiple copies from being purchased by the Commission on Indigent Defense.

IT IS FURTHER ORDERED that the defendant and his or her attorney are prohibited from photocopying, scanning, digitizing, etc. and disseminating copies of any State Grand Jury testimony, interviews of witnesses and any other documents that may be disclosed to the defendant and their attorneys in reference to the above-captioned case, except for internal use by the attorney and necessary employees of that attorney's office or for submission to the Court during a trial or other hearing. Further, unless otherwise ordered by this Court, all material disclosed pursuant to this Order and all copies of such material must remain in the secured custody and control of defense counsel, not the defendant, at all times, and, absent order of the court, must be retained in a secure location by defense counsel unless and until it is destroyed pursuant to any applicable rule regarding file retention.¹


IT IS FURTHER ORDERED that if defense counsel should intend to use or involve any experts, investigators, or other consultants in the defense to any charge now or in the future brought in the above-referenced State Grand Jury investigation; counsel may distribute copies of the necessary materials as needed for the purposes of that individual. However, counsel must first provide a copy of this Order and obtain a signed agreement from such experts, investigators, or consultants that these individuals will not disclose or disseminate any of the discovery materials without explicit permission from this court. All experts, investigators, and consultants

¹ For purposes of this Order defense counsel may secure physical copies of this protected material by keeping the material in his or her actual possession or by keeping the material in the attorney's law office in a place and manner to ensure that the material is only accessible by the attorney and necessary employees of the attorney's office. Digital copies of protected material are to be secured by placing passwords on all devices containing such material so that only the attorney and necessary employees of the attorney's office will have access to said material.

to whom defense counsel discloses discovery material shall be bound by this Order to the same extent as defense counsel. It is the responsibility of the attorney to ensure any experts, investigators, or other consultants to which disclosure is made are aware of and comply with the provisions of this Order. FURTHER, defense counsel must notify the Court of any individuals to whom counsel intends to disclose protected materials prior to any disclosures. This notification may be accomplished by *ex parte* communication with the Court.


IT IS FURTHER ORDERED that individuals, whether attorneys, defendants, necessary staff of attorneys, or experts, investigators, or consultants used by attorneys, who receive disclosure of State Grand Jury material pursuant to this Order, are all bound by the secrecy provisions of this Order and subject to contempt of court for any willful violation of these secrecy provisions.

IT IS SO ORDERED this 7th day of January, 2022.


CLIFTON NEWMAN
Presiding Judge

Columbia, South Carolina

~~I SO MOVE.~~


S. Creighton Waters
Chief Attorney
State Grand Jury Division

January 6, 2022

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

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

STATE OF SOUTH CAROLINA

v.

RICHARD ALEXANDER MURDAUGH,
DEFENDANT.

ORDER OF NON-DISCLOSURE
OF JUROR INFORMATION

Considering the nature of the case and in the interest of justice, the Court finds that an Order should be issued prohibiting the disclosure of the identity of, and certain identifying information pertaining to jurors summoned to appear.

It is therefore Ordered that all parties, counsel, court personnel, agents, employees, law enforcement, and media shall be, and are hereby barred and restrained from disclosing the name, address, employment, and any other personal identifying information of any juror summoned in the above trial. This Order does not prohibit the internal use of juror information by the Court and counsel for case preparation. All jurors shall only be identified by juror number.

This Order shall remain in effect unless and until modified by further Order. Any violation is punishable by contempt of court.

AND IT IS SO ORDERED.

DEC 29 2022 AM 11:08
COLLETON CO GS, REBECCA H. HILL


Clifton Newman
Presiding Judge

Columbia, South Carolina
December 28, 2022

14, 2022, for two counts of murder and two counts of possession of a firearm during commission of a violent crime, alleging Defendant killed his wife, Maggie Murdaugh, and son, Paul Murdaugh (2022-GS-15-00592 to -00595).

The Defendant has also been indicted between November 2021 to June 2022 by the South Carolina State Grand Jury for 81 financial and related crimes wherein it is alleged he misappropriated almost 8.5 million dollars. Discovery has been and continues to be provided by the State pursuant to the standard State Grand Jury protective order. Additional discovery has been gathered in the course of the murder investigation that is not currently subject to a sealed order or a State Grand Jury Protective Order.

The Attorney General represents that materials recovered pursuant to the search warrants are relevant to the indictments against Defendant and should be disclosed to his attorneys consistent with Defendant's constitutional and statutory rights. However, the Attorney General additionally notes that circumstances continue to persist such that conditions of disclosure should remain in place in order to ensure fair adjudication. The State argues that this case has unprecedented public interest and unique facts and circumstances, and a protective order is necessary to protect the rights of third parties, to protect ongoing investigations, because related evidence is already subject to a protective order in the State Grand Jury case. The State argues that a protective order also protects the rights of both the State and the defendant to a fair trial.

The State notes that there is no intent to keep litigation of the case secret from the public, but that a protective order protects the process and ensures that the evidence only comes out in a public courtroom. The State warrants that the evidence also contains sensitive information that could amount to an invasion of privacy and be unduly

distressing to victims if it was disseminated outside of the normal litigation.

Rule 5, SCRCrimP, expressly authorizes a broad range of protective orders in the discretion of the judge where they are justified. Subsection (d)(1) provides:

(d) Regulation of Discovery.

(1) Protective and Modifying Orders. Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate.

This Court generally disfavors limitation on public access to information but agrees in this high-profile case sensitive information should not be made public at this stage unless and until it is necessary to fairly litigate the case in the courtroom. This Court also notes that much of the State Grand Jury evidence is relevant to the murders and is already subject to the standard State Grand Jury Protective Order.

The Court finds that a protective order is necessary to protect ongoing investigations in related matters, noting that Defendant was indicted again this month by the State of South Carolina for alleged financial crimes, and there is also civil litigation and other pending indictments involving the rights of third parties. Additionally, a protective order is necessary to protect innocent parties whose information may be contained in discovery.

The Court notes that it previously declined the parties' request for a pretrial publicity order, in part by pointing out that any extrajudicial comment must be limited by the ethical rules including Rule 3.6 of the South Carolina Rules of Professional Responsibility. This order is inapplicable to matters independently obtained or already in the public domain or extra-judicial comments properly made in compliance with Rule 3.6

The Defendant is entitled to discovery under the constitutions of the United States and of the State of South Carolina, as well as under statutes and rules. Due to the

circumstances as set forth above, the Court hereby grants the Motion to Compel and **ORDERS** disclosure subject to the following conditions:

1. **IT IS ORDERED** that the Attorney General is authorized to disclose to the attorney(s) for Defendant the search warrants, any underlying materials related thereto, and any materials recovered in the execution thereof to the extent that the materials must be disclosed under normal circumstances of criminal discovery in preparation for a trial. The search warrants and related materials are to be provided only for the purposes of the trials of the above-listed indictments, and any other use or disclosure by an attorney or defendant subject to this Order is strictly prohibited. The search warrants and related materials, as well as any discovery provided in SLED Investigation 31-21-0061 or for Indictments 2022-GS-15-00592 to -00595, given by the State to the defense and not otherwise subject to a State Grand Jury Protective Order, are not to be shown by the defense to anyone with the exception of the defendant, his attorney(s), and necessary staff employed within the attorneys' office(s), witnesses, potential witnesses and their representatives for purpose of preparing for trial. Copies of the discovery of any sort, whether physical, photographic, or digital, shall not be left with the witnesses, potential witnesses, or their representatives except as authorized below.
2. **IT IS FURTHER ORDERED** that any necessary staff of the attorney(s) who receive access to or disclosure of the search warrants and related materials, as well as any discovery provided in SLED Investigation 31-21-0061 or for Indictments 2022-GS-15-00592 to -00595 given by the State to the defense and not otherwise subject to a State Grand Jury Protective Order, are prohibited from showing them

to anyone other than the defendant, the attorney, and other necessary staff employed within the attorney's office, and necessary staff of the attorney are similarly subject to the provisions of this Order. It is the responsibility of the attorney to ensure any staff to whom disclosure is made is aware of and complies with the provisions of this Order.

This Order does not limit the attorney from discussing the case with other attorneys for co-defendants (if applicable and if the co-defendants' attorneys have also been provided the same evidence pursuant to a similar protective order). However, subject to the provisions below, the information provided through discovery cannot be photocopied, scanned, digitized, etc. and disseminated even to other co-defendants or their attorneys.

3. **IT IS FURTHER ORDERED** that Defendant and his attorney(s) are prohibited from photocopying, scanning, digitizing, etc. and disseminating copies of the search warrants and related materials that may be disclosed, as well as any discovery provided in SLED Investigation 31-21-0061 or for Indictments 2022-GS-15-00592 to -00595 given by the State to the defense and not otherwise subject to a State Grand Jury Protective Order, except for internal use by the attorney(s) and necessary employees of the attorneys' office(s) or for submission to the Court during a trial or other hearing. Further, unless otherwise ordered by this Court, all material disclosed pursuant to this Order and all copies of such material must remain in the secured custody and control of defense counsel, at all times, and, absent order of the court, must be retained in a secure location by defense counsel unless and until it is destroyed pursuant to any applicable rule regarding file

retention.¹

4. **IT IS FURTHER ORDERED** that if defense counsel should intend to use or involve any experts, investigators, or other consultants in the defense to any of the above-listed charges, counsel may distribute copies of the necessary materials as needed for the purposes of that individual. However, counsel must first provide a copy of this Order to and obtain a signed, written agreement from such experts, investigators, or consultants that these individuals will not disclose or disseminate any of the discovery materials without explicit permission from this Court. All experts, investigators, and consultants to whom defense counsel discloses discovery materials shall be bound by this Order to the same extent as defense counsel. It is the responsibility of the attorney to ensure any expert, investigator, or other consultant to whom disclosure is made is aware of and will comply with the provisions of this Order.
5. **IT IS FURTHER ORDERED** that individuals, whether they be attorneys; defendants; necessary staff of attorneys; or experts, investigators, or consultants used by attorneys; who receive disclosure of the search warrants and related materials pursuant to this Order, are all bound by the secrecy provisions of this Order and subject to contempt of court for any willful violation of these secrecy

¹ For purposes of this Order defense counsel may secure physical copies of this protected material by keeping the material in his or her actual possession or by keeping the material in the attorney's law office in a place and manner to ensure that the material is only accessible by the attorney and necessary employees of the attorney's office. Digital copies of protected material are to be secured by placing passwords on all devices containing such material so that only the attorney and necessary employees of the attorney's office will have access to said material. The Defendant is also permitted to independently review copies of any discovery produced by the State, provided the Defendant returns the copies to defense counsel. **No evidence or discovery shall be left at a jail or detention facility while Defendant is in pre-trial detention.** The parties may arrange for a reasonable procedure such as a reading room and protected laptop to facilitate Defendant's review of the materials without compromising the security of the discovery.

provisions.

6. The State similarly shall not disclose the search warrants and related materials that may be disclosed, as well as any discovery provided in SLED Investigation 31-21-0061 or for Indictments 2022-GS-15-00592 to -00595 not otherwise subject to a State Grand Jury Protective Order, except as is necessary to fairly investigate, prepare, and litigate the case.
7. This Order shall not be interpreted to prohibit attorneys for the Defendant and for the State, and law enforcement personnel from communicating with witnesses and potential witnesses, and their representatives, in order to prepare for trial. Nor shall this Order be construed as prohibiting the State from continuing to interview witnesses, obtain evidence, by subpoena, warrant, or any other means, or prepare and present grand jury testimony for investigative purposes relating to this case, or any other matter involving the Defendant or any other related investigation. This Order does not prohibit the State or the defense from communicating with representatives of witnesses or representatives of entities which may possess relevant evidence. This Order does not in any way prohibit the State, prosecutors, law enforcement, and their victim advocates from discussing all aspects of the case and consulting with victims and their representatives consistent with the spirit of the State's constitutional and statutory obligations pursuant to S.C. Const. Art. I § 24 and S.C. Code § 16-3-1505 *et. seq.*
8. Nothing in this Order prevents any party from using or referring to any of the search warrants and related materials that may be disclosed, as well as any discovery provided in SLED Investigation 31-21-0061 or for Indictments 2022-GS-15-00592

to -00595, given by the State to the defense and not otherwise subject to a State Grand Jury Protective Order, in witness preparation, investigation, pleadings, and as necessary to litigate any issue in Indictments 2022-GS-15-00592 to -00595 or related criminal cases in the courtroom.

9. Nothing in this Order shall be construed as requiring the Defendant or the State to file materials under seal with the Court.
10. **IT IS ORDERED** that this Protective Order is temporary until this Court makes a final determination of whether it should become permanent or modified.

AND IT IS SO ORDERED this 30th day of August, 2022.



CLIFTON NEWMAN
Presiding Judge

Columbia, South Carolina

AUG 31 2022 AM 8:59
COLLETON CO GS, REBECCA H. HILL

STATE OF SOUTH CAROLINA)
COUNTY OF COLLETON)
STATE OF SOUTH CAROLINA)
v.)
Richard Alexander Murdaugh,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictment Nos: 2022-GS-15-00592-595

ORDER REGARDING MEDIA COVERAGE

In addition to the provisions and limitations of Rule 605, South Carolina Appellate Court Rules, the Court hereby issues the following Order regarding media coverage of the above trial:

POOL COVERAGE

Audiovisual coverage of the trial will be provided by Court TV. Still photography of the trial will be provided by *The Post and Courier* and McClatchy Newspapers. The Court will direct the positioning of cameras. By accepting access to the court proceedings to provide pool coverage, no media organization is permitted to claim or assert any copyright in any and all image or audio obtained in the courtroom. No media organization is permitted to seek a licensing fee for the use of images and audio obtained in the courtroom by other media organizations in attendance at the trial. Court TV, in providing audiovisual coverage, is required to transmit images from the courtroom to the overflow media center contemporaneously with the proceedings. Video and audio recorded by Court TV which are not part of the contemporaneous feed to the overflow media center must be made available to all media organizations in attendance at the trial. Images obtained by pool still photographers must be made available to all media organizations in attendance at the trial. At the close of court each day, at least one pool photographer will be allowed to remain in

the courtroom for up to 30 minutes, under the supervision of the court reporter and the Clerk of Court, to obtain still photographs of trial exhibits entered into evidence.

COURTROOM SEATING

Seating in the courtroom is limited. Reserved seating will be provided for a limited number of media organizations.

Reserved seating. The following media organizations will have one reserved seat each day during the trial and related proceedings:

Walterboro Press & Standard
Hampton County Guardian (Greenville News)
The Island Packet (Beaufort Gazette)
The Post and Courier
The State
The Wall Street Journal
Fitsnews
Associated Press
Luna Shark Productions
WCSC TV
WCIV TV
WCBD TV
WTAT TV
FOX News
ABC network
CBS network
NBC network
CNN network

Lottery seating. Four reserved seats will be available on a daily basis for media organizations not listed above. Access to these seats will be selected by lottery at the end of proceedings each day. To enter the lottery, the media organization must submit an entry form to the office of the Clerk of Court by 4:00 p.m. each day. The form will be provided by the Clerk of Court. A media organization with a reserved

seat will not be eligible for an additional reserved seat on another day unless there are extra seats available. A media organization that fails to utilize their reserved seat will be replaced by another media organization.

OVERFLOW MEDIA CENTER

To accommodate media organizations interested in covering the trial, the Colleton County Clerk of Court has arranged an overflow media center at "The Wildlife Center" which is near the courthouse. This center will receive a contemporaneous audiovisual feed from Court TV, and the center will have a large screen television and an audio system capable of providing access to the trial proceedings. Tables, chairs, electric outlets, rest rooms, cell access, and wi-fi access will be available at the center.

ACCESS TO TRIAL EXHIBITS

At the end of court each day, representatives of media organizations, under the supervision of the court reporter and the Clerk of Court, will be allowed up to 30 minutes to review trial exhibits entered into evidence. The exhibits may not be handled, removed, or altered in any manner. Pool still photographers must be available to provide photographs of the exhibits.

PERMITTED EQUIPMENT

Media representatives may utilize hand-held micro-cassette tape recorders or any other portable recording devices that comply with Rule 605(f)(3)(vi), SCACR. The use of any equipment that causes a distraction is prohibited and may subject the user to expulsion from the courtroom.

PROHIBITED EQUIPMENT

The use of cell phones is generally prohibited in South Carolina courtrooms. This Order permits the possession of cell phones provided that they are turned off or placed in silent mode prior to entering the courtroom. Abuse of this privilege may result in the termination of media privileges.

JURY SELECTION

Media organizations with reserved seating are allowed to attend jury selection. Media organizations without reserved seating may attend along with members of the public if seating is available.

Prospective jurors and seated jurors are to be identified only by juror number and not by name.

No prospective juror or seated juror may, at any time, be photographed, recorded, or identified.

PHOTOGRAPHY PROHIBITED IN COURTROOM

Photography, by video or still camera, is prohibited in the courtroom except as provided for pool audiovisual and still photography.

BAGS PROHIBITED IN COURTHOUSE

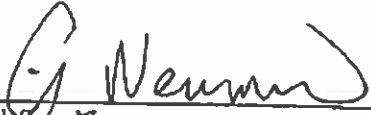
Briefcases, backpacks, or any similar property other than clear plastic bags are prohibited in the courthouse except for participants and court personnel.

LIAISON APPOINTED

Rule 605, SCACR provides that "The presiding judge may not be called upon to mediate or resolve any dispute as to ... pooling arrangements." The Court hereby appoints Jay Bender of the South Carolina Bar as the liaison and representative of the Court to address any requests and concerns of media organizations. The involvement of Mr. Bender is at the request of the Court and is voluntary on his part. Any concerns or objections to the terms of this Order or other matters relating to media coverage of the trial must be addressed directly to Mr. Bender either in person or through the office of the Colleton County Clerk of Court.

This Order shall remain in effect for the duration of the trial unless modified by Order of the Court.

AND IT IS SO ORDERED.


Clayton Newman
Presiding Judge

January 17, 2023
Columbia, South Carolina

JAN 17 2023 PM 12:54
COLLETON CO. CLERK, REBECCA H. HILL

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)
)
STATE OF SOUTH CAROLINA)
)
 v.)
)
RICHARD ALEXANDER)
MURDAUGH,)
)
)
DEFENDANT)
)
_____)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT
Indictment Nos. 2022-GS-15-00592-595

PROTECTIVE ORDER

RECEIVED
Jan 04 2024
S.C. SUPREME COURT

The Court was assigned exclusive jurisdiction for the limited purpose of presiding over Defendant’s motion for new trial in the above-listed indictments by the Chief Justice Donald W. Beatty of South Carolina, on December 18, 2023. Defendant Richard Alexander Murdaugh (“Defendant”) was convicted of the murders of Margaret Kennedy Branstetter Murdaugh and Paul Terry Murdaugh on March 2, 2023, and sentenced on March 3, 2023. On October 27, 2023, the Defendant filed a motion for a new trial.

#1
JST

Before the Court is the issue of supplemental discovery related to the Defendant’s motion for new trial. The Honorable Clifton Newman, the previous presiding judge, entered an Order Compelling Discovery, Temporary Protective Order and Order Conditionally Unsealing Search Warrants (“Protective Order”) on August 31, 2022. This order expands on the Protective Order to broaden the protection of supplemental discovery related to the post-trial motion for new trial.

The Court finds that a confidentiality order is warranted to protect the ongoing investigations related to the post-trial motion made in this matter. Further, while the Court generally favors public access and transparency, the Court agrees a confidentiality order is needed given the high-profile nature and media presence in this case.

1
}

Therefore, while the Defendant is entitled to the supplemental discovery related to post-trial motions, the Court hereby orders the disclosure subject to the following conditions:

1. IT IS ORDERED the Attorney General is authorized to disclosure to the attorney(s) for the Defendant the supplemental discovery, which includes video recordings of juror interview and any other documents, and must be disclosed to his attorneys consistent with the Defendant's constitutional and statutory rights in preparation of all post-trial motions. The supplemental discovery is to be provided only for the purpose of the post-trial motion of the above-listed indictments, and any other use or disclosure by an attorney or the Defendant subject to this Order is strictly prohibited. The search warrants and related material for the above-listed indictments given by the State to the defense and not otherwise subject to any other confidentiality or protective order, are not to be shown by the Defense to anyone with the exception of the Defendant, his attorney(s), and necessary staff employed with the attorneys' office(s), witnesses, potential witnesses and their representatives for purpose of preparing for the evidentiary hearing on Defendant's post-trial motion. Copies of the discovery of any sort, whether physical, photographic, or digital, shall not be left with the witnesses, potential witnesses, or their representatives except as authorized below.
2. IT IS ORDERED that any necessary staff of the attorney(s) who receive access to or disclosure of the supplemental discovery, or other investigatory materials from SLED, are prohibited from showing them to anyone other than the Defendant, the attorney, and other necessary staff employed within the attorney's office, and necessary staff of the attorney are similarly subject to the provisions of this Order. It is the responsibility of the attorney

#2
8/15/17

to ensure any staff to whom disclosure is made is aware of and complies with the provisions of this Order.

3. IT IS ORDERED the Defendant and his attorney(s) are prohibited from photocopying, scanning, digitizing, etc. and disseminating copies of the supplemental discovery materials, as well as an investigatory material from SLED, except for internal use by the attorney(s) and necessary employees of the attorneys' office(s) or for submission to the Court during future hearings. Further, unless otherwise ordered by this Court, all material disclosed pursuant to this Order and all copies of such material must remain in the secured custody and control of Defense counsel, at all times, and, absent an order of the court, must be retained in a secure location by Defense counsel unless and until it is destroyed pursuant to any applicable rule regarding file retention.¹

#3
SST

4. IT IS ORDERED that if Defense counsel should intend to use or involve any expert, investigators, or other consultants in the defense to the post-trial motion, counsel may distribute copies of the necessary materials as needed for the purposes of that individual. However, counsel must first provide a copy of this Order to and obtain a signed, written agreement from such experts, investigators, or consultants that these individuals will not disclose or disseminate any of the discovery materials without explicit permission from this Court. All experts, investigators, and consultants to whom Defense counsel discloses discovery materials shall be bound by this Order to the same extent as Defense counsel. It

¹ For purposes of this Order, Defense counsel may secure physical copies of this protected material by keeping the material in his or her actual possession or by keeping the material in the attorney's law office in a place and manner to ensure that the material is only accessible by the attorney and necessary employees of the attorney's office. Digital copies of protected material are to be secured by placing passwords on all devices containing such material so that only the attorney and necessary employees of the attorney's office will have access to said material. The Defendant is also permitted to independently review copies of any discovery produced by the State, provided the Defendant returns the copies to defense counsel. No evidence or discovery shall be left at a jail, prison, or detention facility. The parties may arrange for a reasonable procedure such as a reading room and protected laptop to facilitate Defendant's review of the materials without compromising the security of the discovery.


is the responsibility of the attorney to ensure any expert, investigator, or other consultant to whom disclosure is made is aware of and will comply with the provisions of this Order.

5. IT IS ORDERED that individuals, whether they be attorneys, the Defendant, necessary staff of attorneys, or experts, investigators, or consultants used by attorneys, who receive disclosure of the supplemental discovery pursuant to this Order, are all bound by the secrecy provisions of this Order and subject to contempt of court for any willful violation of these secrecy provisions.
6. IT IS ORDERED the State similarly shall not disclose supplemental discovery, as well as any supplemental material provided in SLED investigations, except as is necessary to fairly investigate, prepare, and litigate the post-trial motion.
7. This Order shall not be interpreted to prohibit attorneys for the Defendant and for the State, and law enforcement personnel from communicating with witnesses and potential witnesses, and their representatives, in order to prepare for the post-trial motion. Nor shall this Order be construed as prohibiting the State from continuing to interview witnesses, obtain evidence, by subpoena, warrant, or any other means, or prepare and present grand jury testimony for investigative purposes relating to this case, or any other matter involving the Defendant or any other related investigation. This Order does not prohibit the State or the Defense from communicating with representatives of the witnesses or representatives of entities which may possess relevant evidence. This Order does not in any way prohibit the State, prosecutors, law enforcement, and their victim advocates from discussing all aspects of the case and consulting with victims and their representatives consistent with the spirit of the State's constitutional and statutory obligations pursuant to S.C. Const. Art. I § 24 and S.C. Code§ 16-3-1505 *et. seq.*

Handwritten initials: "JH" and "JH" with a signature-like flourish.

8. Nothing in this Order prevents any party from using or referring to any of the supplemental discovery that may be disclosed, or investigatory materials by SLED, for witness preparation, investigation, pleadings and as necessary to litigate any issues raised in the post-trial motion in the courtroom.
9. Nothing in this Order shall be construed as requiring the Defendant or the State to file materials under seal with the Court.

AND IT IS SO ORDERED.



Jean H. Toal
Presiding Judge

This 3d day of Jan., 2024
Columbia, South Carolina

#5

26, 2024. As previously ordered, neither this juror nor any other juror is to be identified as a consequence of their participation in this inquiry. Given the limited nature of the proceeding on January 26, 2024, there will be no camera coverage of the event. Members of the public, as well as members of the press, are free to attend provided that no cellphones, laptops or similar devices will be allowed in the courtroom.

POOL TELEVISION

The January 3 Order appointed CourtTV to serve as the pool television operator. The January 3 Order provided, and this order reiterates, that CourtTV may not claim nor assert any copyright interest in the images and audio contained in its “mixed or switched feed” transmitted to pool participants.

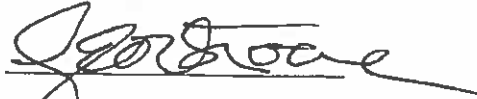
The Court has been contacted by a television network seeking a revision of the January 3 Order to preclude CourtTV from asserting a copyright interest any audio or video obtained by it but not included in the “mixed or switched feed” to pool members.

Rule 605, SCACR, the South Carolina “cameras in courts” rule, provides specifically that “[t]he presiding judge may not be called upon to mediate or resolve any dispute as to...pooling arrangements.” In service to that provision the Court appointed Jay Bender as the liaison between the press and the Court to address and resolve such issues.

Mr. Bender has advised the Court that at the trial of the underlying case, and for this proceeding, he has suggested to networks that a cost-sharing arrangement be reached between CourtTV and those entities wishing unfettered access to the audio and video recorded by CourtTV. It seems that no such cost-sharing agreement has been reached, but this Court endorses that approach, and has directed Mr. Bender to remain available to discuss such arrangements with

CourtTV and those entities wishing access to more than the feed distributed by CourtTV to pool recipients.

AND IT IS SO ORDERED.



Jean Hofer Toal, Chief Justice of the
South Carolina Supreme Court, Retired,
Acting as Circuit Court Judge

This 24th day of January, 2024
Columbia, South Carolina

JUL 6 2026 AM 11:41
COLLETON CO GS. GARY HALE