

Both sides at Defendant's bond hearing for the murder charges discussed implementing a protective order that was consistent with the standard State Grand Jury protective order already in existence – and through which, it is important to add – the State has already delivered thousands of pages of discovery materials to the defense. Much of the State Grand Jury discovery is also relevant to the murders and both sides at the hearing were accordingly agreeable to a protective order. Additionally, many of the search warrants were sealed early in the investigation – a practice that started before the Attorney General's Office was leading the prosecution. Those *must* be unsealed by court order before the State can provide them in discovery.

It was in this atmosphere of mutual agreement on these issues that phone communication between the State and defense counsel took place about preparation of a protective order and motion to unseal the search warrants. During this phone communication, defense counsel did not express the slightest opposition to or concern about any protective order, but instead it was discussed as a joint request. At 4:02 p.m. on Friday afternoon, the State emailed the draft protective order and order unsealing search warrants to the defense, so as to provide them a chance to weigh in and make edits as is the appropriate and courteous practice for a jointly created document. The email text read as follows:

Dick and Jim,

Please find attached a proposed order unsealing the S/W and a protective order as discussed. Please review ASAP as I would like to get it to Judge Newman for consideration to keep discovery on track.

Regards,
Creighton

As an aside, the defense in its motion makes the ridiculous claim that these particular defense counsel were being "coerced" by the State's request that they review it ASAP to "keep discovery on track". This email was purely in a cooperative atmosphere and not at all coercive. The defense's sputtering contention in mischaracterizing this exchange in and of itself shows the blatant weakness and manufactured nature of the defense's position throughout their document. As with the rest of their motion, their claims of prosecutorial "coercion" may make for exciting reading or content for a press conference, but they are detached from reality.

Indeed, as proof of that, defense counsel responded at 5:00 p.m. on Friday *with their own edits to the document*. There was no expression of opposition, but only a joint effort to create a document on which both sides agree, a process common to all litigation. The 5pm email from defense counsel reads:

Creighton

Our edits to the proposed order are redlined on the attached document.

The defense attached a document including their modifications, which added a few provisions and struck a few provisions here or there to the State's draft.

Before the State could respond, at 5:15 p.m. on a Friday afternoon, defense counsel suddenly and completely reversed their position on what previously a non-issue.

The defense email read:

Creighton

I just spoke with Dick about the proposed edits and he and I both agree that on second thought that this entire order is inappropriate. We will obviously agree to abide by the standard protective order for state grand jury materials. But as to discovery in the murder case, that did not originate from the State Grand Jury investigation, we object to being restricted on our use of the materials. There is no rule of criminal procedure or statute that restricts the Defendant's use of evidence and information obtained pursuant to Rule 5.

We will be happy to discuss this with you Monday morning if you wish.

Have a great weekend.

Jim

Surprised by this complete 180 from the defense, Counsel for the State responded at 5:23 p.m.:

Who else do you plan to share evidence with that would not be authorized by the proposed Order? And yall suggested it and I agreed to it at the hearing.

Defense counsel responded at 5:25 p.m. that Friday:

We also agreed to a gag order

I have never had a protective order in a non grand jury case

Don't want to start a new practice

I am old

Consequently, counsel for the State, in the spirit of professional courtesy, did as defense counsel suggested in the after hours email where they changed their mind – counsel for the State called defense counsel on Monday to try to resolve the matter. Defense counsel reiterated their objection to a protective order, and the State responded that given the sensitivity of the information and the unparalleled interest the State felt out of an abundance of caution that the issue should at least be presented to the Judge before the State clicked "send" on the information. And, regardless, the Judge needed to sign an order unsealing the search warrants before any discovery could be provided anyway. The call ended courteously.

Meanwhile, the other defense counsel sent an email memorializing their objection, asserting that protective orders were not typical in non-SGJ cases, that one was not

needed given that there was no pre-trial publicity order, and that they only intended to use the information to prepare a defense.

As the State had discussed with the defense, it then sent the following email to the Judge – with the defense of course copied – and with the proposed protective order and order unsealing the search warrants attached with all defense edits accepted in the document:

Judge Newman,

I hope you have had a good weekend. The State is prepared and has uploaded a substantial amount of discovery for the murder cases, but two issues need to be addressed before we can click send. First, we need an order unsealing the various search warrants that were sealed by judges primarily during the early part of the investigation. Both parties are in agreement with this.

Second, there was discussion by both parties at the bond hearing as to a protective order on the murder evidence. The State Grand Jury evidence is already subject to the standard protective order, and some of it is relevant to the murder. It makes sense to have a similar order in place for the remaining murder evidence so the same rules apply to all. The defense originally on Friday was in agreement and had sent some proposed changes to my draft, which the Attorney General has generally accepted. However, late Friday the defense advised me that on second thought they did not want a protective order at all on the murder evidence. The defense's position is that while they accept the typical SGJ protective order, such orders are not the norm in a regular murder case. The defense also states that they have no intention of disclosing any evidence outside of what is necessary to interview witnesses and prepare their case for trial.

We wish to be clear that the Attorney General has every intention that this case be tried in the light of day, and none of this is meant to preclude appropriate public observation of the process. And none of this is to suggest that any lawyers involved would violate their ethical obligations regarding pretrial publicity. However, this case has received a lot of pretrial publicity which continues – and the murder discovery contains very sensitive materials such as crime scene photos and PII. Having this discovery left in Alvin S Glenn does not seem a good idea. The State would submit that putting the same expectations in place for all people involved on the prosecution and defense sides is a good idea.

The State has its obligation to the process and therefore out of an abundance of caution we feel obligated to present the attached proposed protective order to you. Again, to be clear the defense does not agree with it. We do however both agree that we need an order unsealing the search warrants. Once these issues are addressed the State can immediately share the link with discovery with the defense.

Regards,

Creighton Waters

(Emphasis added).

The State's position was reasonable and, unlike the defense's current motion, calmly expressed – that given the uniqueness of this matters and the sensitivity of the information the State felt out of an abundance of caution it should at least ask the Court first before sending, that regardless an order to unseal the search warrants was needed anyway, and – most importantly – the State was (and is) ready to immediately “click send” on the discovery to the defense.

Despite the phone call and the defense's knowledge of the reasonable position the State intended to take, things changed. The defense responded with an email at 5:57 p.m. on Monday in which, among other things, it reiterated its claim that a protective order was not typical in non-SGJ cases and not necessary due to the lack of a pretrial publicity order, and suddenly accused the State of an 11th hour delay – even though the State has made it clear it is ready to immediately share discovery. The motion also made some inflammatory accusations. No one on the prosecution team has violated Rule 3.6.

Meanwhile, the defense sent a letter to court administration which requested a trial date in January – which of course was the State's suggestion at the bond hearing, and which also attempted to argue Judge Clifton Newman could not hear the case because he signed some search warrants, even though judges of course separate the objective wheat from the chaff all the time in their professional capacities.

The State responded Tuesday:

Judge Newman,

There is simply no last minute effort to delay discovery. Indeed, as I set forth in my initial email, the defense even sent their requested changes to the proposed protective order right at 5pm on Friday, which I accepted in the document I sent to Your Honor yesterday. It was only after 5pm on Friday that they changed their mind, reversed their position, and decided they did not want a protective order. The State felt obligated yesterday out of an abundance of caution to at least raise the issue to Your Honor for consideration given the unique circumstances of this case. Regardless, aside from the issue with any protective order, as set forth in the original email, before we can provide discovery we need an order conditionally unsealing the search warrants, as they and their results are embedded in throughout the discovery. I am happy to assist with the drafting of any order on either issue or both to facilitate the discovery process, which the State is ready to proceed with immediately upon resolution of these two matters.

Regards,

Creighton Waters

Meanwhile, the defense filed the current motion with all its mischaracterizations and inflammatory language, failed to tell the State it was filing the motion, failed to email the motion to the Court or the State as is defense counsel's normal practice but instead snail mailed it, and scheduled a press conference.

Any delay, which is only now a couple of days, is due largely to the defense's "after hours on a Friday" sudden change of heart. The State has been ready to send discovery. Both sides agree an order unsealing the search warrant is needed anyway.

Moreover, this manufactured drama is just a well-known part of defense counsel's playbook. Interestingly, during phone calls one defense counsel jokingly agreed with the State that no matter how much the State provides in discovery the other defense counsel's MO is to scream to the high heavens that violations are occurring. Again, this is manufactured drama for defense counsel's press conference. The State has no desire to preclude the defense from any discovery and has every intent of moving this case to a public trial as soon as practicable. As soon as the two discovery issues are addressed and the Court green lights it, discovery will be sent.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFERY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

S. CREIGHTON WATERS
Senior Assistant Deputy Attorney General



By:

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

August 17, 2022

AUG 17 2022 A:10:31
COLLETON, CO GG, REBECCA - FULL

Creighton Waters

From: Creighton Waters
Sent: Friday, August 12, 2022 4:02 PM
To: Jim Griffin
Cc: Don Zelenka; Dick Harpoottian (rah@harpoottianlaw.com); Maggie Fox; hollie@harpoottianlaw.com; Jaime Harmon; Carly Jewell
Subject: Order unsealing SW and protective order
Attachments: Murdaugh, Alex-- Proposed Order to Unseal SW, Protective Order.2022-08-12 (03074205XD2C78).docx

Follow Up Flag: Worldox

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Regards,

Creighton

S. Creighton Waters
Chief Attorney, State Grand Jury Division
Office of the South Carolina Attorney General
803-734-3693
P.O. Box 11549 | Columbia, SC 29211
cwaters@scaag.gov



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From: Jim Griffin <JGriffin@griffindavislaw.com>
Sent: Friday, August 12, 2022 5:00 PM
To: Creighton Waters
Don Zelenka; Dick Harpoottian (rah@harpoottianlaw.com); Maggie Fox; hollif@harpoottianlaw.com; Jaime Harmon; Carly Jewell
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cwaters@scag.gov

Both parties desire a conditional order that unseals the search warrants, as well as a protective order generally applicable to the evidence in the murder cases. 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 notes that there is no intent to keep litigation of the case secret from the public, but that this order is to protect the process and ensure that the evidence only comes out in a public courtroom as is necessary to litigate the case. 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 process to litigate the case. The defense agrees with this request.

This Court generally disfavors such restrictions but understands the State's desire to ensure that an impartial jury can be selected and a fair trial can be had by all parties to the case. This Court also agrees that sensitive information does not need to 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 protective order for such cases.

Because Defendant is entitled to discovery under the constitutions of the United States and of the State of South Carolina, as well as under statute and rule, and due to the circumstances of this case as set forth above, the Court **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.-

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 codefendants' 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, ~~not 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

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

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. ~~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.~~
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 provisions.
6. The State similarly shall not disclose the search warrants and related materials

defense counsel. -

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.

~~6.7.~~ 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. 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 part 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 for Indictments 2022-GS-15-00592 to -00595 or related criminal cases in the courtroom.

7.9. Nothing in this Order shall be construed as requiring the Defendant or the State to file materials under seal with the Court.

IT IS SO ORDERED this _____ day of _____, 2022.

HONORABLE CLIFTON NEWMAN
Presiding Judge

_____, South Carolina

I SO MOVE:

S. Creighton Waters
Chief Attorney, State Grand Jury

_____, 2022

I SO MOVE:

Attorney for Defendant

_____, 2022

Creighton Waters

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Sent: Friday, August 12, 2022 5:15 PM
To: Creighton Waters
Cc: Don Zelenka; Dick Harpootlian (rah@harpootlianlaw.com); Maggie Fox; hollie@harpootlianlaw.com; Jaime Harmon; Carly Jewell
Subject: RE: Order unsealing SW and protective order

Creighton

I just spoke with Dick about the proposed edits and he and I both agree that on second thought that this entire order is inappropriate. We will obviously agree to abide by the standard protective order for state grand jury materials. But as to discovery in the murder case, that did not originate from the State Grand Jury investigation, we object to being restricted on our use of the materials. There is no rule of criminal procedure or statute that restricts the Defendant's use of evidence and information obtained pursuant to Rule 5.

We will be happy to discuss this with you Monday morning if you wish.

Have a great weekend.

Jim

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Creighton

Creighton Waters

From: Dick Harpootian <rah@harpootianlaw.com>
Sent: Friday, August 12, 2022 5:25 PM
To: Creighton Waters
Cc: Jim Griffin; Don Zelenka; Maggie Fox; Hollie Miller; Jaime Harmon; Carly Jewell
Subject: Re: Order unsealing SW and protective order

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I have never had a protective order in a non grand
jury case
Don't want to start a new practice
I am old

Sent from my iPhone

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Creighton Waters

From: Jim Griffin <JGriffin@griffindavislaw.com>
Sent: Monday, August 15, 2022 1:22 PM
To: Creighton Waters
Cc: Don Zelenka; Dick Harpootian (rah@harpootianlaw.com); Maggie Fox; hollif@harpootianlaw.com; Jaime Harmon; Carly Jewell
Subject: RE: Order unsealing SW and protective order

Creighton

Our suggestion for a protective order was primarily driven by the desire to address how to protect against potentially prejudicial material from being made public through court filings. We initially proposed filing everything under seal, and received pushback from you and Judge Newman. We then sought to reach an agreement whereby we would give the other party advance notice of any filing and an opportunity to request that the filing be made under seal. This apparently was not acceptable to the State because it was left out of the proposed order submitted to Judge Newman.

In any event, once Judge Newman rejected our proposed pre-trial publicity order, there is no longer any need to have a protective order in place at all, much less the one that you proposed which is even more cumbersome than the standard discovery order for State Grand Jury cases. In fact, the order you proposed limits the defense' disclosure of evidence but does not refrain the State's use of it. The proposed provision requiring that we disclose to the Court, via ex parte submissions, the identity of any expert with whom we consult is particularly objectionable. I have never seen such a provision in 35 years. As I stated Friday, we agree to comply with the discovery order for all State Grand Jury documents produced in response to our discovery request in the Colleton County murder case.

Also, as to your question about who we might share the evidence with, I can only say that we intend to use the evidence to prepare for Alex's defense. Without knowing what the evidence is, other than what has been previewed in Fitsnews, we cannot say who we intend to share it with. Moreover, to the extent we do know based upon the limited information we have gleaned from Fitsnews, this would be attorney work product for which you are not entitled to know.

As Judge Newman's recent order makes clear, we are all bound by the ethical obligations pertaining to pre-trial publicity, including the disclosure of anticipated evidence. We fully intend to comply with Rule 3.6 governing pre-trial publicity, including comment 5, which specifically precludes attorneys and those working with them in criminal cases from disclosing to the media the "the identity or nature of physical evidence expected to be presented." I would note that if there is any truth to the Fitsnews story that the State has physical evidence putting Alex in proximity to the murders, in the form of high velocity spatter, then someone working on this case on behalf of the State appears to have already violated Rule 3.6. I hope this isn't the case.

Please feel free to give me a call if you wish to discuss further.

We look forward to receiving the State's response to our discovery requests today.

Jim

Creighton Waters

From: Creighton Waters
Sent: Monday, August 15, 2022 3:07 PM
To: rah@harpoottianlaw.com; Newman, Clifton
JGriffin@griffndavislaw.com; Newman, Clifton Secretary (Katherine Sabo); Newman, Clifton Law Clerk (Gabrielle Williams); Don
Cc: Zelenka; MFox@griffndavislaw.com; hollie@harpoottianlaw.com; JHarrison@griffndavislaw.com; Carly Jewell; Alan Wilson
Subject: Proposed Protective Order and Order Unsealing Search Warrants
Attachments: Murdaugh, Alex.Protective Order Draft.2022-08-15 (03075648xD2C78).docx

Follow Up Flag:

Worldox

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Subject: RE: Proposed Protective Order and Order Unsealing Search Warrants

Dear Judge Newman

I find this process of communication with you by email about substantive matters concerning this case in violation of your order of August 1. The original proposed protective order furnished last Friday at 4:30 PM would have required Mr Griffin and I to make an *ex parte* application every time we wanted to show a non-grand jury document to an expert or a witness. You have made it clear you want this case litigated like any other case and this effort by the Attorney General would treat it far differently than any other murder case.

It is close of business on the 30th day after our motion for discovery and yet not one shred of paper has been turned over. The Attorney General waited the entire 30 days he has had to try to delay providing discovery materials with this off the record effort. If affidavits are sealed, motions should be filed. If he wants to hide material behind a "protective order" he should file a motion.

We do not object to adhering to the protective order entered in the State Grand Jury cases as to any evidence produced in those cases which the State intends to use in the prosecution of the murder case. But we do not know of any criminal rule of procedure or statute that allows the State to restrict the use and disclosure of discovery materials to prepare for trial, that are not protected by the State Grand Jury Act.

Our previous suggestion for a protective order which we made at the bond hearing was primarily driven by the desire to address how to protect against potentially prejudicial material from being made public through court filings. We initially proposed filing everything under seal, and received pushback from the State and the Court. We then sought to reach an agreement whereby we would give the other party advance notice of any filing and an opportunity to request that the filing be made under seal. This apparently was not acceptable to the State because it was left out of the proposed order submitted to you.

In any event, once the Court rejected our proposed pre-trial publicity order, in our view there is no longer any need to have a protective order in place at all, much less the one proposed by the State which is even more cumbersome than the standard discovery order for State Grand Jury cases. In fact, the order the State proposes limits the defense' disclosure of evidence but does not refrain the State's use of it.

As the Court's recent order makes clear, we are all bound by the ethical obligations pertaining to pre-trial publicity, including the disclosure of anticipated evidence. We fully intend to comply with Rule 3.6 governing pre-trial publicity, including comment 5, which specifically precludes attorneys and those working with them in criminal cases from disclosing to the media the "the identity or nature of physical evidence expected to be presented." I would note that if there is

any truth to the Fitnews story that the State has physical evidence putting Alex in proximity to the murders, in the form of high velocity spatter, then someone working on this case on behalf of the State appears to have already violated Rule 3.6. We hope this isn't the case.

The State's purported justification that the Order is needed to protect against disclosures of sensitive crime scene and autopsy photos does not warrant a blanket protective order. I have handled hundreds if not thousands of criminal cases, either as a prosecutor or defense lawyer, and not once have I ever been accused of leaking sensitive crime scene photos to the media.

I can also state with 100% confidence that Mr. Murdaugh does not want pictures of his murdered wife and son with him at the Alvin S. Glen detention center. To use this as an excuse to prevent us from leaving discovery produced in this case for his review, and requiring someone to sit with Mr. Murdaugh while he reviews the discovery produced in this case under normal circumstances is absurd. With the current staffing and visitation issues at the Alvin S Glenn Detention Center, this request is beyond absurd.

Lastly, we have just learned that SLED recently contacted our client's family members and requested that the family members not to listen to an audio recording that is being produced to us in discovery. SLED wanted to schedule a time in the next week or so to play these recordings to the family members instead. SLED claims that we, as attorneys for Alex Murdaugh, would someone influence the family members assessment of this audio recording. SLED thought the recording was being produced to us today. This revelation certainly sheds additional light on the State's 11th hour delay tactic. Also, equally troubling is the fact that SLED had not reached out to the family to review this audio recording before charging our client with murder.

We respectfully ask the Court to file Mr. Waters' email and our response with the Clerk of Court as contemplated by your August 1 Order.

We still have no discovery materials.

Sincerely

Dick Harpoottian

From: Creighton Waters <CWaters@scag.gov>

Sent: Monday, August 15, 2022 3:07 PM

To: Dick Harpoottian <rah@harpoottianlaw.com>; Newman, Clifton <cnewmanj@sccourts.org>

Cc: JGriffin@griffindavislaw.com; Newman, Clifton Secretary (Katherine Sabb) <CNewmanSC@sccourts.org>; Newman, Clifton Law Clerk (Gabrielle Williams) <CNewmanLC@sccourts.org>; Don Zelenka <DZelenka@scag.gov>; MFox@griffindavislaw.com; Hollie Miller <hollie@harpoottianlaw.com>; JHarmon@griffindavislaw.com; Carly Jewell <CarlyJewell@scag.gov>; Alan Wilson <agwilson@scag.gov>

Subject: Proposed Protective Order and Order Unsealing Search Warrants

Judge Newman,

Creighton Waters

From: Creighton Waters
Sent: Tuesday, August 16, 2022 4:39 PM
To: Dick Harpootlian; Newman, Clifton
JGriffin@griffindavislaw.com; Newman, Clifton Secretary (Katherine Sabb); Newman, Clifton Law Clerk (Gabrielle Williams); Don Zelenka; MFox@griffindavislaw.com; Hollie Miller; JHarmon@griffindavislaw.com; Carly Jewell; Alan Wilson
Subject: RE: Proposed Protective Order and Order Unsealing Search Warrants

Follow Up Flag: Worldox

Judge Newman,

There is simply no last minute effort to delay discovery. Indeed, as I set forth in my initial email, the defense even sent their requested changes to the proposed protective order right at 5pm on Friday, which I accepted in the document I sent to Your Honor yesterday. It was only after 5pm on Friday that they changed their mind, reversed their position, and decided they did not want a protective order. The State felt obligated yesterday out of an abundance of caution to at least raise the issue to Your Honor for consideration given the unique circumstances of this case. Regardless, aside from the issue with any protective order, as set forth in the original email, before we can provide discovery we need an order conditionally unsealing the search warrants, as they and their results are embedded in throughout the discovery. I am happy to assist with the drafting of any order on either issue or both to facilitate the discovery process, which the State is ready to proceed with immediately upon resolution of these two matters.

Regards,

Creighton Waters

S. Creighton Waters
Chief Attorney, State Grand Jury Division
Office of the South Carolina Attorney General
803-734-3693
P. O. Box 11549 | Columbia, SC 29211
cwaters@scadq.gov



CERTIFICATE OF SERVICE

I, Carly Jewell, hereby certify that I have, this 17th Day of August, 2022, served a **RESPONSE IN OPPOSITION T MOTION TO COMPEL** on counsel for the Defendant by depositing a copy in the United States mail, first class postage prepaid, addressed to:

Richard Harpootlian, Esquire
1410 Laurel Street
Columbia, SC 29201

James Griffin, Esquire
4408 Forest Drive, Suite 300
Columbia, SC 29206


Carly Jewell
Paralegal
State Grand Jury

PLD 17 2022 4:10:38
COLLECTOR 0069, RESETTER - ALL