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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of General Sessions

Clifton Newman, Circuit Court Judge

Appellate Case No. 2023-000392

The State, Respondent,

v.

Richard Alexander Murdaugh, Appellant.

MOTION TO SUSPEND APPEAL
AND FOR LEAVE TO FILE MOTION FOR NEW TRIAL

Appellant Richard Alexander Murdaugh, pursuant to Rule 29(b) of the South Carolina Rules of Criminal Procedure, hereby moves for leave to file a motion for a new trial based on after-discovered evidence in the Court of General Sessions, and to suspend this appeal during the pendency of the motion. Appellant offers a copy of the motion for a new trial, attached as **Exhibit 1** with its own exhibits labeled **Exhibit A** through **Exhibit L**, as the memorandum in support of this motion and documents supporting facts relied upon not contained in the Record on Appeal, as required by Rule 240 of the South Carolina Rules of Appellate Procedure.

Respectfully submitted,

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September 5, 2023
Columbia, South Carolina

EXHIBIT 1

(Copy of Motion for New Trial and Exhibit A through Exhibit L)

STATE OF SOUTH CAROLINA COUNTY OF COLLETON	COURT OF GENERAL SESSIONS FOURTEENTH JUDICIAL CIRCUIT
State of South Carolina, v. Richard Alexander Murdaugh, Defendant.	Indictment Nos. 2022-GS-15-00592, -593, -594, and -595 **MOTION FOR A NEW TRIAL**

Defendant Richard Alexander Murdaugh, through undersigned counsel, pursuant to Rule 29(b) of the South Carolina Rules of Criminal Procedure, hereby moves the Court for a new trial after discovering that the Clerk of Court tampered with the jury by advising them not to believe Murdaugh's testimony and other evidence presented by the defense, pressuring them to reach a quick guilty verdict, and even misrepresenting critical and material information to the trial judge in her campaign to remove a juror she believed to be favorable to the defense.

Specifically, during trial the Colleton County Clerk of Court, Rebecca Hill, instructed jurors not to be "misled" by evidence presented in Mr. Murdaugh's defense. She told jurors not to be "fooled by" Mr. Murdaugh's testimony in his own defense. Ms. Hill had frequent private conversations with the jury foreperson, a Court-appointed substitution for the foreperson the jury elected for itself at the request of Ms. Hill. During the trial, Ms. Hill asked jurors for their opinions about Mr. Murdaugh's guilt or innocence. Ms. Hill invented a story about a Facebook post to remove a juror she believed might not vote guilty. Ms. Hill pressured the jurors to reach a quick verdict, telling them from the outset of their deliberations that it "shouldn't take them long." Ms. Hill did these things to secure for herself a book deal and media appearances that would not happen in the event of a mistrial. Ms. Hill betrayed her oath of office for money and fame. Once these

facts are proven, the law does not allow the Court any discretion about how to respond. It must grant a new trial.

I. Statement of Facts

Mr. Murdaugh was indicted for the murder of his wife Maggie and son Paul on July 14, 2022. His murder trial began January 23, 2023. The presiding judge was the Honorable Clifton Newman. The trial ran for six weeks, ending with convictions on the evening of March 2, 2023, and sentencing on March 3, 2023. The State rested its case-in-chief and the defense began its case on Friday, February 17, 2023.

Court was not held on February 20, which was President's Day. After returning from the holiday, Ms. Hill began to enter the jury rooms often. Aff. of Juror No. 630 ¶ 7, Aug. 14, 2023 (attached as **Exhibit A**). As the defense began its case, Ms. Hill told jurors, "Y'all are going to hear things that will throw you all off. Don't let this distract you or mislead you." Aff. of Holli Miller *re Juror No. 741* ¶ 6, Sep. 1, 2023 (attached as **Exhibit B**). Additionally, Ms. Hill and Juror No. 826, the new jury foreperson, on multiple occasions went to another room to have private conversations lasting five or ten minutes. Ex. A ¶ 8. Sometimes they would go into the jury room's single-occupancy bathroom together. Ex. B ¶ 4. Foreperson Juror No. 826 never said anything about the content of those conversations to other jurors. Ex. A ¶ 8. Ms. Hill even instructed jurors they could not ask Foreperson Juror No. 826 about the conversations. Ex. B ¶ 4.

Two days later, on Thursday, February 23, and continuing through the next day, Mr. Murdaugh testified in his own defense. Before he began his testimony, Ms. Hill told jurors "not to be fooled" by the evidence Mr. Murdaugh's attorneys presented, which at least one juror understood to mean that Mr. Murdaugh would lie when he testified. Ex. A ¶ 2. Ms. Hill also instructed the jury to "watch him closely," to "look at his actions," and to "look at his movements," which at least one juror understood to mean that Mr. Murdaugh was guilty. *Id.* Immediately after

Mr. Murdaugh testified, Foreperson Juror No. 826 told the jury that Mr. Murdaugh was crying on cue. Ex. A ¶ 4. She also criticized the former foreperson, Juror No. 589, for handing Mr. Murdaugh a box of tissues when he was crying on the stand because "that is what the defense wants us to do." Ex. A ¶ 5.

The next court day after Mr. Murdaugh's testimony, Monday, February 27, Ms. Hill told Judge Newman about a Facebook posting she purportedly saw on the evening of Friday, February 24 (the day Mr. Murdaugh's testimony concluded), while perusing a Facebook group page called "Walterboro Word of Mouth." Draft Tr. of *in camera* conf. 41:3–42:15, Mar. 1, 2023 (attached as **Exhibit C**). The post, purportedly by Juror No. 785's ex-husband Tim Stone, allegedly stated that his "his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be." *Id.* Judge Newman asked her to produce a copy of the posting. *Id.* She could not produce a copy, but according to Ms. Hill, a subordinate employee in the Clerk's Office, Lori Weiss, discovered that the post was taken down and replaced with an apology post:

> Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry

Id.; Rebecca Hill, "Behind the Doors of Justice" at 97 (2023) (attached as **Exhibit D**); Timothy Stone Facebook Post, Feb. 16, 2023 (attached as **Exhibit E**). The "apology" post states the initial post was already deleted on February 16, so it would have been impossible for Ms. Hill to see the original post on February 24.

Mr. Stone, Juror No. 785's ex-husband, avers in a sworn statement that he made no such posts. Aff. of Tim Stone ¶ 2, Aug. 18, 2023 (attached as **Exhibit F**). Mr. Murdaugh has obtained an authentic download of the entirety of Mr. Stone's Facebook activity from January 23, 2023, to March 2, 2023, which confirms he did not post the apology (the supposed original post if deleted

would not be recoverable at this point under Facebook's retention policies) and that he in fact never posted anything to the "Walterboro Word of Mouth" Facebook page during the trial. Aff. of Phillip Barber ¶¶ 2–5, Aug. 31, 2023 (attached as **Exhibit G**). The person who made the apology post is an unrelated person also named Tim Stone, whose Facebook profile picture is not Juror No. 785's ex-husband.

On February 28, Ms. Hill questioned Juror No. 785 about the fictious post on "Walterboro Word of Mouth" alone in her office in the courthouse. Aff. of Juror No. 785 ¶ 3, Aug. 13, 2023 (attached as **Exhibit H**). She told Juror No. 785 that someone had emailed her stating her ex-husband, Tim Stone, posted on the "Walterboro Word of Mouth" Facebook page that Juror No. 785 had been drinking with her ex-husband, and that while drunk she expressed opinions on the guilt or innocence of Mr. Murdaugh. Ex. H ¶ 4. Juror No. 785 told Ms. Hill that never happened and that she had not seen her ex-husband in ten years. *Id.* Juror No. 785 asked to see the post, but Ms. Hill would not show it to her. Ex. H ¶ 5. Ms. Hill directly asked Juror No. 785 whether she was inclined to vote guilty or not guilty. Ex. H ¶ 3. Juror No. 785 said she had not made up her mind. *Id.*

Later that day, Ms. Hill told Juror No. 785 that SLED and Colleton County Sheriff's Office personnel went to Mr. Stone's house, and he confirmed he made the post. Ex. H ¶ 6. This is a fabrication by Ms. Hill. Ms. Hill told Juror No. 785 she would somehow "reinstate" a restraining order Juror No. 785 previously had against Mr. Stone, which is something that Ms. Hill did not have the authority to do.

Still later that day, Judge Newman examined Juror No. 785 regarding both the nonexistent Facebook post and the tenant/co-worker email[1] *in camera*. Draft Tr. Of *in camera* conf. 3:8–6:19, Feb. 28, 2023 (attached as **Exhibit I**). Juror No. 785 described her interactions with Ms. Hill regarding the Facebook post. *Id.* She denied making any inappropriate comments about the case to third parties, and stated she wanted to hear closing arguments before forming an opinion on Mr. Murdaugh's guilt or innocence. *Id.*

After she was dismissed, Judge Newman said, "Oh boy. I'm not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me." Ex. I at 13:20–22. He was right to be concerned.

The next day, on March 1, 2023, the jury visited Moselle, the site of the murders. During the visit, Foreperson Juror No. 826 and Ms. Hill walked off to have yet another private conversation. Ex. H ¶ 16; Ex. B ¶ 9. In her book, Ms. Hill more vaguely hints at communicating her opinion on Mr. Murdaugh's guilt to the jury during the visit to the Moselle property:

> While the jurors viewed the Moselle property, we all could hear and see Alex's story was impossible.
>
> Some of us either from the courthouse, law enforcement, or jury at Moselle had an epiphany and shared our thoughts with our eyes. At that moment, many of us standing there knew. I knew and they knew that Alex was guilty.

Ex. D at 108.

That day Judge Newman also held an *in camera* conference regarding the tenant/co-worker email, in which he decided to revisit the Facebook post issue with Ms. Hill:

> THE COURT: Okay. Well, let me see what Becky is talking about. I wanted to revisit the Facebook post that you mentioned yesterday.

[1] A co-worker of a tenant of Juror No. 785 emailed the Court on February 27 stating that the tenant said her landlord was a juror and had expressed an opinion when delivering a refrigerator to the property more than a week earlier.

MS. HILL: Uh-huh, right.

THE COURT: That's Becky Hill, the Clerk of Court. Can you tell us about that Facebook post?

MS. HILL: Yes. I think it was Friday evening just for a brief moment I perused Facebook, got on Walterboro Word of Mouth, and saw where someone had said that – well, it was the ex-husband of a juror, and he said that he noticed that his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be, and that he was the ex-husband but she was known for talking way too much. And then I just kept on scrolling because that was enough for me. I've gotten enough.

THE COURT: And how did you determine who he was talking about?

MS. HILL: When I heard there was an email on Monday I figured the two went together, if it was true.

THE COURT: Well, she's confirmed she has an ex-husband who she has three restraining orders out against so –

MS. HILL: Right. So then we looked on Monday after you told me to try to go back and look for it and we couldn't find it. But then we found out his name, and we found the post and printed it out where he said that he had put something up, but that he had deleted it at the time that he had put stuff out there that wasn't nice.

THE COURT: He said he got drunk afterwards.

MR. MEADORS: Something about the devil.

MR. HARPOOTLIAN: Didn't he say it was satan in it?

MS. HILL: Satan was in it, yes. In all of the details, yes.

THE COURT: All right.

MS. HILL: Made me do it.

THE COURT: Okay. I just wanted to have that on the record, you're reading a Facebook post by the ex-husband who said it. Of course, you haven't talked with him so you don't know where he got his information from.

MS. HILL: I don't. I can find it, though.

Ex. C at 41:3–42:16. But Ms. Hill never saw any such Facebook post. She made it up. Further, she knew the "apology" post was not posted by Juror No. 785's ex-husband. Juror No. 785 showed

Ms. Hill a picture of her ex-husband, which is not the Facebook profile picture of the other Mr. Stone's post about Satan. Ex. H ¶ 8.

The next day, March 2, 2023—the day of the verdict—Juror No. 785 received a call from her ex-husband that she did not answer. Ex. H ¶ 9. The call upset her because Ms. Hill's lies had led her to believe he was posting on Facebook about her and might be stalking her. *Id.* Juror No. 785 asked to speak with Ms. Hill. *Id.* She told Ms. Hill she was scared. *Id.* Ms. Hill told her that "the Murdaughs" probably "got to him," meaning her ex-husband. *Id.*

Ms. Hill once again asked her opinion regarding Mr. Murdaugh's guilt. Ex. H ¶ 10. Juror No. 785 told her that Creighton Waters' closing was good, but that she still had questions. *Id.* Ms. Hill asked what questions and Juror No. 785 replied that she was concerned that no murder weapon was found. *Id.* Ms. Hill then asked, "well, what makes you think he's guilty?" *Id.* Juror No. 785 said Paul's video at the dog kennels. *Id.* Ms. Hill then told Juror No. 785 "that everything Mr. Murdaugh has said has been lies and that I should forget about the guns, they will never be seen again.'" *Id.* Ms. Hill then asked Juror No. 785 about the views of the rest of the jury, telling her that if the foreperson would "just go in and ask for a raise in hands this would be over and done with" and "everyone needs to be on the same page." Ex. H ¶ 11.

Juror No. 785 went to the jury room and, ten minutes later, was excused from the jury. Ex. H ¶ 12. In open court immediately after her excusal, Juror No. 785 asked Judge Newman if he had spoken with the Clerk of Court, referring to the conversation earlier that morning with Ms. Hill. Video of Trial Proceedings, Mar. 2, 2023, *available at* https://www.youtube.com/watch?v=nbuMq15qY2Q&ab_channel=ABCNews4. Judge Newman responded that "I have not spoken with her today" and that this is "totally independent" of any "conversation" regarding her

ex-husband, apparently misunderstanding her question to refer to the issue of the Facebook post. *Id.*

When the jury began deliberations that evening, Ms. Hill told them that "this shouldn't take us long," and that if they deliberated past 11 p.m., they would be taken directly to a hotel even though none were prepared to stay overnight. Ex. A ¶ 9. Additionally, smokers on the jury asked to be allowed to take smoke breaks as they had previously been allowed to do during the six-week trial, but Ms. Hill told them they could not smoke until deliberations were complete. *Id.*; Aff. of Holli Miller *re Juror No. 326* ¶ 7, Sep. 1, 2023 (attached as **Exhibit J**). There were six smokers on the jury. Ex. J ¶ 7.

Ms. Hill told jurors that after the trial they would be famous and predicted that the media would request interviews with them. Ms. Hill even handed out reporters' business cards to jurors during the trial. Ex. B ¶ 5. Juror No. 578 took this to heart and made an appearance on Good Morning America the night of the verdict, which is why on the day the jury began deliberations he wore a suit coat for the first time during the trial. After the verdict and immediately before sentencing, Ms. Hill pressured the jury to speak as a group to reporters from a network news show. Ex. A ¶ 11. She traveled with jurors to New York City when they appeared on the Today show. Ex. D at 93–94. She got her book deal. Her book, "Behind the Doors of Justice," was released on August 1, 2023.

A last point about Ms. Hill's efforts to promote her book shows her dishonest efforts to profit from the trial continued well after the verdict. A film crew negotiated a contract with the Colleton County Sheriff's Department to use courthouse bailiffs to provide security while they filmed a documentary at the Colleton County Courthouse when it was closed for Confederate Memorial Day on May 10, 2023. The film crew had previously recorded an interview with Ms.

Hill. On May 9, Ms. Hill sent a memorandum to the film crew purporting to be an "Addendum" to the contract. Mem. from Rebecca Hill, May 9, 2023 (attached as **Exhibit K**). In it, she demanded that the film crew pay Colleton County a fee of $1,000 per day for use of courthouse facilities and made a nonsensical statement about not having authority outside South Carolina that reflects a failure to understand the choice-of-law clause in the contract. *Id.* Then she bizarrely added a handwritten demand:

> Also, in exchange for the use of the likeness of Rebecca Hill in an interview, a minimum of [unclear] 5 second video and audio clips will accompany the usage on the first reference. The book cover for the book, "Behind the Doors of Justice: The Murdaugh Murders["] will be shown and audio will include Becky's introduction as Clerk of Court for Colleton County and author of the book.

Id. The film crew ignored her addendum as the contract had already been executed. But like her jury tampering during trial, it was an attempt to violate South Carolina Code § 8-13-700(A), which provides, "No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself . . . ."

II. Legal Standard

"A defendant in a criminal prosecution is constitutionally guaranteed a fair trial by an impartial jury, and in order to fully safeguard this protection, it is required that the jury render its verdict free from outside influence." *State v. Johnson*, 302 S.C. 243, 250, 395 S.E.2d 167, 170 (1990) (internal quotation marks omitted). "[W]hen the defendant presents a credible allegation of communications or contact between a third party and a juror concerning the matter pending before the jury" the defendant has an "entitlement to an evidentiary hearing." *Barnes v. Joyner*, 751 F.3d 229, 242 (4th Cir. 2014) (citing *Remmer v. United States*, 347 U.S. 227 (1954)); *see also Smith v. Phillips*, 455 U.S. 209, 215 (1982) ("This Court has long held that the remedy for

allegations of juror partiality is a hearing in which the defendant has the opportunity to prove actual bias.").[2]

If the defendant proves the alleged contacts occurred, the prosecution bears the burden to show they were harmless:

> In a criminal case, any private communication, contact, or tampering directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial, if not made in pursuance of known rules of the court and the instructions and directions of the court made during the trial, with full knowledge of the parties. The presumption is not conclusive, but the burden rests heavily upon the Government to establish, after notice to and hearing of the defendant, that such contact with the juror was harmless to the defendant.

Remmer, 347 U.S. at 229. The presumption is even stronger where the contact was made by a court official. Where "'[t]here was the private communication of the court official to members of the jury, an occurrence which cannot be tolerated if the sanctity of the jury system is to be maintained . . . a new trial ***must*** be granted unless it clearly appears that the ***subject matter*** of the communication was harmless and could not have affected the verdict.'" *State v. Cameron*, 311 S.C. 204, 207–08, 428 S.E.2d 10, 12 (Ct. App. 1993) (quoting *Holmes v. United States*, 284 F.2d 716, 718 (4th Cir. 1960)) (emphasis added).

III. Argument

A state official, Rebecca Hill, the elected Clerk of Court, had extensive private communications with members of the jury during trial. This allegation is supported by sworn affidavits of jurors and a witness to juror interviews, testimony at *in camera* proceedings, and other

[2] The trial court is directed to consider whether (1) the contact was made in an effort to influence the juror by or on behalf of a party in whose favor the verdict was rendered *or;* (2) the contact was such as would obviously influence the juror *or;* (3) the trial judge finds the contact either influenced or probably influenced the juror. *Blake by Adams v. Spartanburg Gen. Hosp.,* 307 S.C. 14, 16–18, 413 S.E.2d 816, 817–18 (1992).

evidence including Ms. Hill's own book. The Court therefore must hold a *Remmer* evidentiary hearing. *Smith*, 455 U.S. at 215; *Barnes*, 751 F.3d at 242. If the allegations are proven at the evidentiary hearing, then under binding appellate precedent the Court must grant a new trial unless it "clearly appears that the subject matter of the communication was harmless and could not have affected the verdict." *Cameron*, 311 S.C. at 207–08, 428 S.E.2d at 12. The subject matter of Ms. Hill's communications was the evidence being presented at trial by the defense. These improper comments and efforts to influence the jurors' verdict vitiated the sanctity of the jury's deliberation and Murdaugh's sacrosanct right to a fair and impartial jury. The Court therefore must grant a new trial if the allegations are proven.

In a six-week trial, people will talk when they should not. They will say things they should not say. Mistakes will be made. The participants in a trial are fallible human beings. Lawyers combing the proceedings after the fact will always find they made mistakes and errors. If that were enough to force a redo of the trial, no verdict would stand, and trials would be repeated forever. To avoid that, Courts properly strain to find that mistakes made during trial are "harmless," meaning they did not change the result.

But the issues now before the Court are not the ordinary and inevitable mistakes that occur in any trial. The issue here is that an elected state official engaged in intentional misconduct—deliberately violating a defendant's constitutional right to a fair trial before an impartial jury—to secure financial gain for herself. Where a state actor engages in private communication with the jury about the merits of the prosecution, the verdict is impossible to sustain. For example, in *Parker v. Gladden*, a bailiff told a juror in a murder trial "that wicked fellow, he is guilty." 385 U.S. 363, 363 (1966). The Supreme Court of Oregon held the statement did not require a new trial because it was not shown the statement prejudiced the outcome of the trial. The U.S. Supreme

Court reversed, holding "[t]he evidence developed against a defendant shall come from the witness stand in a public courtroom where there is full judicial protection of the defendant's right of confrontation, of cross-examination, and of counsel," and "[w]e have followed the undeviating rule, that the rights of confrontation and cross-examination are among the fundamental requirements of a constitutionally fair trial." *Id.* at 364–65 (internal quotation marks and citations omitted).

In this case, the Court has declared on the record that "the verdict that you've [the jury] reached is supported by the evidence, circumstantial evidence, direct evidence, all of the evidence pointed to only one conclusion, that's the conclusion you all [the jury] reach now." Video of Trial Proceedings at 10:00:32–:51, Mar. 2, 2023, *available at* https://www.youtube.com/watch?v=nbuMq15qY2Q&ab_channel=ABCNews4. The Court has, therefore, foreshadowed the outcome of any "harmless error" analysis. But the rule for deciding whether to grant a new trial is not whether the Court believes the outcome of the trial would have been the same had Ms. Hill's jury tampering not occurred. If that were the case, the Court would sustain a guilty verdict even if she coerced the jury to vote guilty at gunpoint, because, in the Court's opinion, "all of the evidence pointed to only one conclusion"—the guilt of the accused. If the strength of the evidence against the accused in the eyes of the Court excuses deliberate jury tampering by a state actor, the result is a directed verdict for the prosecution, a structural error. That cannot be the law. *Cf. Neder v. United States*, 527 U.S. 1, 34 (1999) (Scalia, J., concurring in part) (noting that even if "the judge certainly reached the 'right' result," "a directed verdict against the defendant . . . would be *per se* reversible *no matter how overwhelming the unfavorable evidence*," because "[t]he very premise of structural-error review is that even convictions reflecting the 'right' result are reversed for the sake of protecting a basic right" (emphasis in original)).

Instead, the law requires the "subject matter" of the communication to be harmless—"clearly" harmless. *Cameron*, 311 S.C. at 208, 428 S.E.2d at 12. Asking the jury what it wants for lunch is clearly harmless. Telling it not to believe the defendant when he testifies is not.

Our Supreme Court recently made this point in *State v. Green*, 432 S.C. 97, 851 S.E.2d 440 (2020). In *Green*, during jury deliberations a juror asked a bailiff "what would happen in the event of a deadlock, and he responded the judge would likely give them an *Allen* charge and ask if they could stay later." *State v. Green*, 427 S.C. 223, 229, 830 S.E.2d 711, 713 (Ct. App. 2019), *aff'd as modified*, 432 S.C. 97, 851 S.E.2d 440 (2020) (citation omitted). The Court of Appeals held the bailiff's comments were presumptively prejudicial because of his official position, but that the State rebutted that presumption by showing for various reasons that the remark did not in fact influence the outcome of the jury's deliberations. *Id.* at 236, 830 S.E.2d at 717.

The Supreme Court affirmed but modified the decision to correct the Court of Appeals' reasoning. The communication was not presumptively prejudicial because the subject matter of the communication was harmless: "The bailiff's actions here—though improper—did not touch the merits, but dealt only with the procedural question of how the judge might handle a jury impasse that apparently never materialized." *Green*, 432 S.C. at 100, 851 S.E.2d at 441. In other words, a bailiff telling the jury that if it is deadlocked, the judge will instruct them to keep deliberating is improper but likely harmless because the subject matter is procedural or logistical, rather than to the merits of the case.

Telling the jury not to believe the defendant's defense or his testimony when he testifies regards the merits of the case. Ms. Hill's extensive, deliberate, and self-interested jury tampering far exceeds the simple bailiff mistakes that forced a retrial in *Cameron*, where "a bailiff's misleading response to a juror's question about sentencing options compromised the jury's

impartiality because it left the impression that their verdict could not affect the trial court's sentencing discretion," or in *Blake by Adams v. Spartanburg General Hospital*, where a bailiff told a juror "that the trial judge 'did not like a hung jury, and that a hung jury places an extra burden on taxpayers.'" *See State v. Green*, 427 S.C. at 237, 830 S.E.2d at 717–18 (citing 311 S.C. at 208, 428 S.E.2d at 12 and quoting 307 S.C. 14, 16, 413 S.E.2d 816, 817 (1992)). Unlike the honest mistakes of the bailiffs in those cases, Ms. Hill had many private conversations with jurors about the merits of the case. She asked jurors about their opinions about Mr. Murdaugh's guilt or innocence. She instructed them not to believe evidence presented in Mr. Murdaugh's defense, including his own testimony. She lied to the judge to remove a juror she believed might not vote guilty. And she pressured jurors to reach a guilty verdict quickly so she could profit from it. Each of these actions violated Ms. Hill's oath of office, her responsibility to the citizenry and the judiciary of this state, and Mr. Murdaugh's constitutional right to a fair and impartial jury.

The law applied to these facts requires a new trial.

IV. Conclusion

For the foregoing reasons, Mr. Murdaugh respectfully submits the Court must hold an evidentiary hearing to receive proof of the facts stated above. When those facts are proven, the Court must grant a new trial.

Respectfully submitted,

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Attorneys for Richard Alexander Murdaugh

_____, 2023
Columbia, South Carolina.

EXHIBIT A

(Affidavit of Juror No. 630)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF [redacted]
COUNTY OF COLLETON) JUROR #630

PERSONALLY appeared before me, [redacted] who being first duly sworn, deposes and states as follows:

1. I was juror #630 in the case of *State of South Carolina v. Richard Alexander Murdaugh* tried in Colleton County, South Carolina.
2. Toward the end of the trial, after the President's Day break but before Mr. Murdaugh testified, the Clerk of Court, Rebecca Hill, told the jury "not to be fooled" by the evidence presented by Mr. Murdaugh's attorneys, which I understood to mean that Mr. Murdaugh would lie when he testified.
3. She also instructed the jury to "watch him closely" immediately before he testified, including "look at his actions" and "look at his movements," which I understood to mean that he was guilty.
4. Immediately after he testified, the foreperson, [redacted] Juror #826, said Mr. Murdaugh was crying on cue.
5. The foreperson, Juror #826, criticized the former foreperson, [redacted] Juror #589, for handing Mr. Murdaugh a box of tissues when he was crying on the stand while testifying about his murdered son. She told the jury we cannot interact with Mr. Murdaugh because "that is what the defense wants us to do."
6. The jury frequently discussed the case during breaks before deliberations.
7. Toward the end of the trial, Ms. Hill came into the jury room a lot.
8. Ms. Hill and the foreperson, Juror #826, had private conversations on multiple occasions. The foreperson, Juror #826, would tell the bailiff that she needed to speak

with Ms. Hill. Ms. Hill would arrive, and then she and the foreperson, Juror #826, would go to another room to have a private conversation. The conversations typically lasted 5 to 10 minutes. The foreperson, Juror #826, never said anything about the content of the conversation. For example, she never communicated logistical information after those conversations. This happened two or more times, more frequently toward the end of the trial.

9. When we began deliberations, Ms. Hill told us that "this shouldn't take us long," and that if we deliberated past 11pm, we would be taken directly to a hotel. We had driven from our homes that morning and were not prepared to stay overnight. Additionally, smokers on the jury asked to be allowed to take smoke breaks but were told they could not smoke until deliberations were complete.
10. I had questions about Mr. Murdaugh's guilt but voted guilty because I felt pressured by the other jurors.
11. After the verdict and immediately before sentencing, Ms. Hill pressured the jury to speak as a group to reporters from the television show [redacted]

FURTHER AFFIANT SAYETH NOT.

[redacted]
Juror #630

August 14, 2023

SWORN TO before me this 14 day
of August, 2023

Notary Public for South Carolina
My Commission Expires: July 25, 2032

EXHIBIT B

(Affidavit of H. Miller *re Juror No. 741*)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT OF HOLLI MILLER

PERSONALLY appeared before me, Holli Miller, who being first duly sworn, deposes and states as follows:

1. On August 6, 2023, Dick Harpootlian, Jim Griffin and I met with [redacted] Juror #741 in the case of *State of South Carolina v. Richard Alexander Murdaugh* at her home located at [redacted]
2. At the meeting on August 6, [redacted] indicated she would sign an affidavit. However, we were unable to arrange with her a suitable time and place.
3. During the meeting, [redacted] relayed the following information to us.
4. During the trial, she witnessed the Clerk of Court, Becky Hill, come to the jury room and Ms. Hill and the foreperson [redacted] #826 went into the bathroom. After Ms. Hill and the foreperson exited the bathroom, Ms. Hill told the jurors they could not ask the foreperson questions.
5. Several times during the trial, Ms. Hill told the jurors that the media would want to interview jurors at the end of the trial and during one of these conversations she passed out business cards from the media to jurors. At the end of the trial, Ms. Hill told [redacted] that no one from the media wanted to interview her.
6. Right before the defense put up their case, Ms. Hill told the jurors "Y'all are going to hear things that will throw you all off. Don't let this distract you or mislead you."
7. After Alex testified, eight jurors indicated they did not believe his testimony.
8. [redacted] recalled [redacted], Juror #544 (known as "Boston" by many of the jurors) was very emotional during the trial.

9. During the visit to Moselle, [redacted] Juror #826 and [redacted] walked to the scene together. Then Juror #826 began walking with the Clerk of Court, Becky Hill.

10. There were times the jurors were not kept together, but were in two separate rooms. [redacted] noticed jurors talking about the case before deliberations began. Neither she nor [redacted] Juror #785 joined in on the conversations about Alex.

11. As the jury was deliberating, she believes Judge Newman came to the room she was in and told her the jury would have to spend the night at a hotel if they did not have a vote by a certain time, but she does not recall the time deadline.

12. [redacted] Juror #741 was the first former juror to provide information that the Clerk of Court made statements to members of the jury about the evidence presented during the trial, prior to jury deliberations. Ms. Hill's conduct was corroborated by other jurors during subsequent interviews.

FURTHER AFFIANT SAYETH NOT.

Holli Miller

September 1, 2023

SWORN TO before me this 1st day of September, 2023

Notary Public for South Carolina
My Commission Expires: 6/27/33

EXHIBIT C

(Draft Transcript of Records Excerpt from *in camera* conference, March 1, 2023)

to withhold any opinions. And then they say: Can't talk to you anymore, and walks off. They're off the jury?

THE COURT: Okay. Well, let me see what Becky is talking about. I wanted to revisit the Facebook post that you mentioned yesterday.

MS. HILL: Uh-huh, right.

THE COURT: That's Becky Hill, the Clerk of Court. Can you tell us about that Facebook post?

MS. HILL: Yes. I think it was Friday evening just for a brief moment I perused Facebook, got on Walterboro Word of Mouth, and saw where someone had said that -- well, it was the ex-husband of a juror, and he said that he noticed that his ex-wife was saying that she was on the jury and saying stuff about how her verdict was going to be, and that he was the ex-husband but she was known for talking way too much. And then I just kept on scrolling because that was enough for me. I've gotten enough.

THE COURT: And how did you determine who he was talking about?

MS. HILL: When I heard there was an email on Monday I figured the two went together, if it was true.

THE COURT: Well, she's confirmed she has an ex-husband who she has three restraining orders out against so --

MS. HILL: Right. So then we looked on Monday after you told me to try to go back and look for it and we

couldn't find it. But then we found out his name, and we found the post and printed it out where he said that he had put something up, but that he had deleted it at the time that he had put stuff out there that wasn't nice.

THE COURT: He said he got drunk afterwards.

MR. MEADORS: Something about the devil.

MR. HARPOOTLIAN: Didn't he say it was satan in it?

MS. HILL: Satan was in it, yes. In all of the details, yes.

THE COURT: All right.

MS. HILL: Made me do it.

THE COURT: Okay. I just wanted to have that on the record, you're reading a Facebook post by the ex-husband who said it. Of course, you haven't talked with him so you don't know where he got his information from.

MS. HILL: I don't. I can find it, though.

MR. FERNANDEZ: We do know his name for what it's worth.

THE COURT: Do you think he will be sober?

MS. HILL: I don't know. Probably not if I had to guess.

MR. HARPOOTLIAN: It is Wednesday. Well, is today Tuesday or Wednesday?

MR. FERNANDEZ: Wednesday.

MR. HARPOOTLIAN: Well, it's Wednesday night so he's

EXHIBIT D

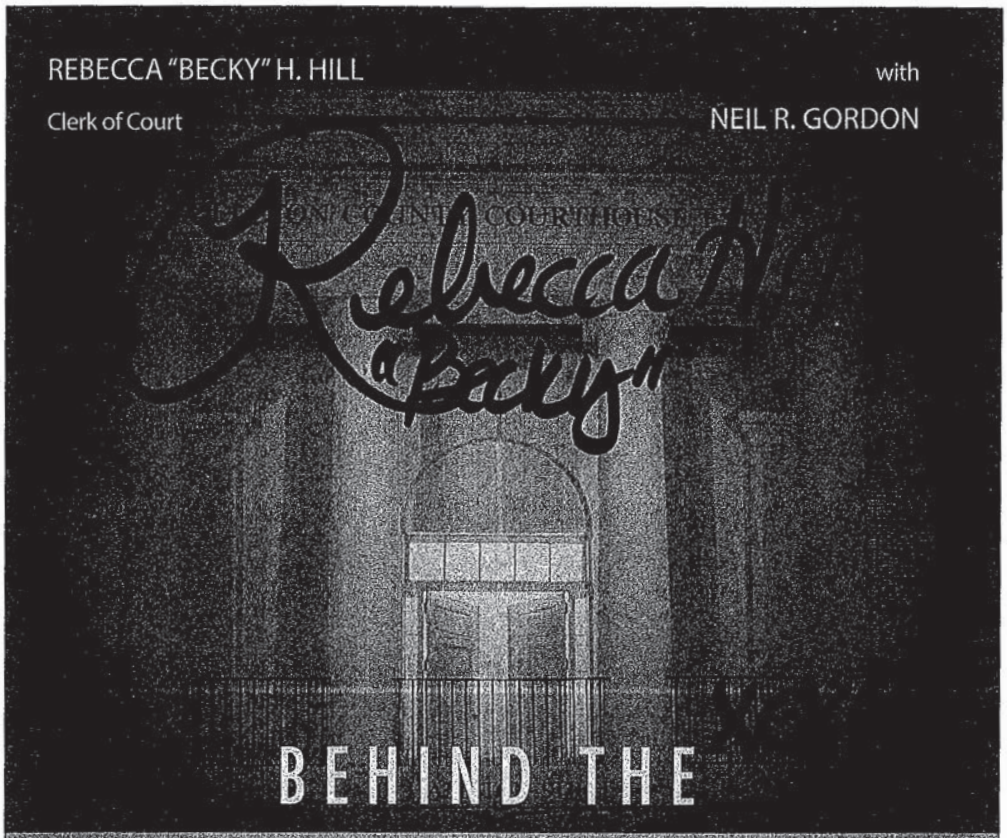
(Rebecca Hill, *Behind the Doors of Justice* excerpts)

REBECCA "BECKY" H. HILL

Clerk of Court

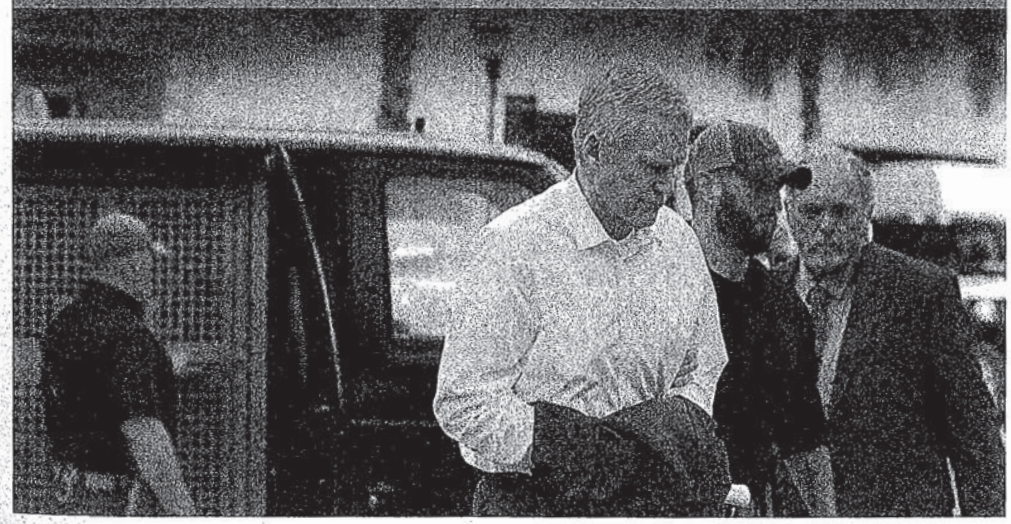
with

NEIL R. GORDON



BEHIND THE DOORS OF JUSTICE:

THE MURDAUGH MURDERS



professional, and we bonded over a cancer diagnosis that both of our families had endured.

While *Dateline* producers were in town for the trial in February 2023, they asked for Judge Newman's cell phone number, which I was given permission to provide to them. Then Craig reached out to Judge Newman to reconnect.

Craig grew up in Columbia, South Carolina, where his family and Judge Newman's family knew each other. In fact, Craig was friends with Judge Newman's late son.

As Judge Newman was beginning his first of many terms as a circuit court judge in Columbia, Craig was beginning his career there at WIS-TV before getting recruited to a station in Washington, DC, and then the NBC network in New York.

That exclusive interview with Judge Newman and his daughter—also a judge—took place in Columbia.

Valerie Bauerlein

Valerie Bauerlein is a national *Wall Street Journal* reporter who has covered the South for eighteen years. She was the pool reporter sent to Moselle with pool photographer Andrew J. Whitaker of *The Post and Courier* newspaper.

In October 2021, Valerie signed a book deal with a division of the iconic Penguin Random House publishing company for a book project about the Murdaugh family of South Carolina.

As it so happened, my fifty-fifth birthday fell during the trial in the spring of 2023. My birthday is March 10, and Valerie was born in late February, so it was decided to have a

party for both of us at her Airbnb on the night of her birthday! She invited many of her colleagues who were covering the trial for the regional and national media outlets. There was food, birthday cake, a lot of laughs, and a little "truth serum" in the form of liquid refreshments!

As we were cleaning up after the party, a few of us were asked how we would vote at that point in the trial if we were members of the jury. Before answering, we pledged a "cone of silence," and for that reason, I cannot reveal the results of our "straw jury poll." What I can say is that many of the party guests agreed with what ended up becoming the actual verdict of the trial.

The Today Show and *Dateline*

Sunday night after Alex was sentenced, I accompanied three jurors from the trial to New York City. As I mentioned earlier, Craig Melvin and Savannah Guthrie of *The Today Show* interviewed the three jurors during a seven-minute, high-energy segment.

While we were all in *The Today Show* green room, we met and took photos with country music star Dustin Lynch, who was also getting ready to appear on the program to sing one of his hit songs.

Once the taping of *The Today Show* concluded, we were whisked away from the 850-foot skyscraper building by a driver in a black Chevy Tahoe to a different studio near 30 Rock, where *Dateline* tapes some of its segments. What stuck

out to me was that one of the jurors mentioned to a producer that she had a craving for pizza and cheesecake, and the next thing we knew, both were delivered in time for lunch!

This trip was extra special for me because it was my first time ever flying in an airplane! We flew from Charleston to New York City, and could order whatever we wanted! I chose pretzels and a Coke to relieve some of my anxiety. Then a black Chevy Tahoe car service was sent to pick us up from LaGuardia Airport, and we got to ride through one of those dark, underwater tunnels that let us out in the "city that never sleeps!"

NBC put us in the hands of the fabulous Haylee Barber, *Dateline* Producer, who put all of us up at a nice Manhattan hotel and fed us at a restaurant on the Avenue of the Americas, a block away from 30 Rock in Midtown Manhattan on the eve of the interviews. Afterwards, the jurors told me they felt like they were heard and loved their fifteen minutes of fame in the Big Apple.

CHAPTER 12

WE, THE PEOPLE: DUTY, HONOR AND SERVICE

"Serve wholeheartedly, as if you were serving the Lord, not people, because you know that the Lord will reward each one for whatever good they do."

—Ephesians 6:7–8, New International Version (NIV)

Working with jurors is always a unique experience, and like with any jury, we had some behind-the-scenes happenings with our jurors, the alternates, and the originals for the Murdaugh trial.

While most of the jurors were focused and engaged during the Murdaugh trial, we did have one juror, who was an alternate at one point, who was not. She was more focused on the crowd: who was watching, who was or wasn't following Judge Newman's rules, and so on. For example, she

"caught" a new visitor to the courtroom, who was sitting directly across from her, who looked like she may have been taking a picture of the jury, and that wasn't going to fly with her.

Another juror couldn't, or wouldn't, sit still during the trial, and it seemed like every time she shifted her chair, it made a loud squeak. Occasionally attorneys would wait for the rhythm of the squeaks to subside before continuing their cross-examination.

Then there was the "egg lady" juror. This juror worked on a monkey farm in the Lowcountry, and she drove Judge Newman bananas one weekend—pun intended! Through the Facebook page "Walterboro Word of Mouth," about 20,000 followers saw this juror's ex-husband post about how she was talking way too much to friends and family about the case. Many people became aware of the situation after court on Friday, February 24, and it was brought to the attention of Judge Newman. I typically didn't have the time or energy to watch any media coverage of the trial, but on that Friday night, I scrolled through the "Walterboro Word of Mouth" social media feed and saw the post from the ex-husband, but he didn't mention the juror's name or her juror number.

At the time, I didn't think anything of it and kept scrolling, mainly because I had been inundated with emails and messages from people all over the world about what they had heard, what they had seen, how the prosecution and defense should run their cases, how Judge Newman should rule, what to address with anyone and everyone involved in the

courthouse, and so on. I felt like a principal dealing with tattletales and problems and issues every day. It was tiring.

When Monday morning came, Judge Newman asked me to find the social media post. One of our techies in the clerk's office, Lori Weiss, looked and couldn't find it at first. Luckily, though, she kept looking and saw where the post was taken down and replaced with an apology from the juror's ex-husband. He said Satan had gotten a hold of him, and he had been drinking at the time he posted and was now very sorry.

After Judge Newman interviewed the juror and corroborating witnesses about this situation, he removed the juror from the jury before court started that Monday morning. We learned later the ex-spouses hadn't seen each other in fourteen years and the former juror had three restraining orders against her ex-husband.

When a juror is removed from a jury, it's normal practice for the judge to ask if there are any personal items they'd like to retrieve from the private jury room. When Judge Newman graciously presented this question to the former juror, she said she just wanted to get her eggs, which caused some laughter in the courtroom and nationally once the media got ahold of the story. Judge Newman even broke out into one of the largest grins I've ever seen.

One of the other jurors raised chickens on their farm and had brought in a dozen eggs to whomever wanted them. At this time, eggs were selling for about eight dollars a dozen, which was very high, so it's understandable why the removed juror wanted her eggs! One of our local singer/songwriters,

While the jurors viewed the Moselle property, we all could hear and see that Alex's story was impossible. God gives us all gifts, and the gift of discernment is shared by many. Some of us either from the courthouse, law enforcement, or jury at Moselle had an epiphany and shared our thoughts with our eyes. At that moment, many of us standing there knew. I knew and they knew that Alex was guilty.

Once we were all back inside our vehicles, heavyhearted and contemplative, our procession headed back along Highway 63 toward the town center of Walterboro. The wind had died down mysteriously, and the sun began to shine through the clouds.

One of the roles of the Clerk of Court is to be "Switzerland" between the jury, the lawyers, the public, and any other entities involved. In the moments riding back in our vehicle—and with the jurors and decision-makers in other vehicles—we were just "regular people," and our thoughts spilled out. Just as the jury would do in a span of three hours, we unanimously came to our own verdict in just three minutes: Guilty.

In my opinion, the decision to visit Moselle by Murdaugh's defense team did not work in their favor. "They were hoping to show that the proximity was too close for one shooter, and they felt like the pictures didn't show the distance correctly," said Doug Brown, who worked for the defense team during the trial.

Many of us question if Alex is bipolar, schizophrenic, or a narcissist, while some wonder if he snapped due to financial

pressure, Paul's boating accident, and the crumbling of the family dynasty. Right is right, and wrong is wrong. When and where did this family begin to blur this fact of life? The moral compass that rules most law-abiding citizens didn't seem to exist in Alex. I don't really want to believe that a father could murder his son and wife. Sometimes, though, the line of love gets blurred and turns into a crime of passion and a crime of desperation. I believe most people cannot fathom killing or hurting a family member, especially in the name of love, but during our time at Moselle, Alex's fate was sealed.

EXHIBIT E

(Timothy Stone Facebook post)

Timothy's Post

Timothy Stone
February 16 at 8:35 AM ·

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry

5 10 comments

Like Comment Share

Most relevant

Amy Corey
When life gets hard you're supposed to call on God but when you're down the devil finds a way to get in and when you let him he will take control pray for you Tim because you have a beautiful granddaughter that loves you and so many more of the grandbabies that love you and you will get through this just let God help you 🙏‼️ I love you men and I am praying 🙏 for you hope you have a blessed day 🙏‼️

Like **Reply** 1w

Bobbie Jo Blackwell
Why apologize for something that you really meant? You meant what you said. Apologies don't mean anything if you constantly do it.

Like **Reply** 1w

Timothy Stone
Bobbie Jo Blackwell I'm human I make mistakes and no I didn't mean it

Like **Reply** 1w

Bobbie Jo Blackwell
Timothy Stone apparently you did or you wouldn't of posted it for all to see

Like **Reply** 1w

Karen Smith
It is great that you apologized. You owe that to the person it was directed at and God. None of us can or should judge. I can however give you some suggestions. I remember when you posted about excepting Christ as your Savior, which I Praised God. We all need salvation. But when you are a babe in Christ, the devil will do all to get you back. But Greater is He who is in you then he that is in the world. So grab that Bible, cling to God's Holy word, leave and let go of that world you left behind and ask God to rebuke Satan. Find a daily devotional, find a Bible, God fearing preaching Church. Invest in the Love Dare 365 day devotional. My husband and I are doing it now. And please, we are all human, we will fail daily. But we need to kneel boldly before the Throne of God and give it all to him. And remember to stay off of social media when you aren't at your best. Prayers going up and out for you and your wife. Not preaching, just giving sound advise from someone who came through a life of misery to doing all I can to live for CHRIST. Hang in and hold on!!!!!!!! 🙏

Like **Reply** 1w

Timothy Stone
Karen Smith thanks and where can I find that devotional book

Like **Reply** 1w

Bobbie Jo Blackwell
Karen Smith we are no longer together. I can't serve God and the devil both so I had to let go of what was keeping me from getting closer to God. You can't get to heaven holding on to someone else's skirt or shirt tail and think your going to make it. It's a relationship between you and God that will allow you to enter in. The wall with the Lord is straight and narrow and you've got to serve him with a whole heart and not just with half your heart or because your wife or your husband wants you to. It's something you have to do for yourself and nobody else

Like **Reply** 1w

Karen Smith
Timothy Stone you can go on line and type in Love Dare devotion 365 day. But since I see y'all are not together, I would still recommend it. I have found out that alot of things in it helps me personally and not just for my marriage. Prayers and may God's will be done!

Like **Reply** 1w

Karen Smith
Bobbie Jo Blackwell agreed and sorry to hear this. I was saved long before my husband and I were married. Had been through several bad relationships. So when I prayed to God to send me a husband like mine, if it be God's will, I made sure the day we got married I have this marriage to God. I myself could not do it on my own. It has had its ups and downs, but Praise God, it has lasted. Pray maybe it is not to late for y'all. And if it is, my prayer is God will bless you first for your walk with God and second that you will find happiness in the future. God be with you!

Like **Reply** 1w

Bobbie Jo Blackwell
Karen Smith thank you so much

Like **Reply** 1w

EXHIBIT F

(Affidavit of Tim Stone)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF TIM STONE
COUNTY OF Colleton)

PERSONALLY appeared before me, Tim Stone, who being first duly sworn, deposes and states as follows:

1. I am the ex-husband of [redacted]
2. I did not post anything to the Facebook group Walterboro Word of Mouth between January 23, 2023, and March 2, 2023. I did not post anything on this social media page or my own Facebook social media page about [redacted] being a juror, that [redacted] "was talking way too much to friends and family about the case", or that "Satan had gotten a hold of [me], and [I] had been drinking at the time [I] posted and was now very sorry".
3. Nor did I post what is attached as Exhibit A, which has been represented to me to be an alleged post to the Walterboro Word of Mouth Facebook page and a Court exhibit in the State of South Carolina v. Richard Alexander Murdaugh trial.
4. I do not have a Facebook page set up as "Timothy Stone". My profile name is "Tim Stone" and my Facebook page is https://www.facebook.com[redacted]
5. I was never contacted by law enforcement, the South Carolina Attorney General's office, the clerk of court Becky Hill, or anyone at the Colleton County Clerk of Court's office about Exhibit A or a post on the Walterboro Word of Mouth Facebook page concerning my ex-wife, [redacted].
6. I did not know [redacted] was on the Murdaugh jury until I heard her voice on a recording when she was being excused as a juror and she was discussing something about eggs.

FURTHER AFFIANT SAYETH NOT.

Tim Stone

August 18, 2023

SWORN TO before me this 18 day
of August, 2023

Notary Public for South Carolina
My Commission Expires: July 25, 2032

Timothy's Post

Timothy Stone
February 16 at 8:35 AM ·

Folks I posted a ugly post yesterday to which I have deleted and I kinda in a round about way directed it towards a certain person and I would like to apologize to everyone who read it that ugly for me to do that and yes I let Satan control me and I broke down and started drinking and when I was drunk I made that post and I'm sorry

5 10 comments

Like Comment Share

Most relevant

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Like **Reply** 1w

Bobbie Jo Blackwell
Why apologize for something that you really meant? You meant what you said. Apologies don't mean anything if you constantly do it.

Like **Reply** 1w

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Like **Reply** 1w

Bobbie Jo Blackwell
Timothy Stone apparently you did or you wouldn't of posted it for all to see

Like **Reply** 1w

Karen Smith
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Like **Reply** 1w

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Like **Reply** 1w

Karen Smith
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Like **Reply** 1w

Karen Smith
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Like **Reply** 1w

Bobbie Jo Blackwell
Karen Smith thank you so much

Like **Reply** 1w

EXHIBIT G

(Affidavit of P. Barber)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF PHILLIP BARBER
COUNTY OF Richland)

PERSONALLY appeared before me, Tim Stone, who being first duly sworn, deposes and states as follows:

1. I am an attorney in the firm of Richard A. Harpootlian, P.A., and counsel of record for Defendant Richard Alexander Murdaugh.
2. On August 18, 2023, I met with Tim Stone at his home. He provided his Facebook login information and allowed me to download a copy of all his Facebook activity from January 23, 2023, and March 2, 2023.
3. A true copy of the download is attached as **Exhibit A**.
4. The contents of the download speak for themselves, but review of them shows no post was made on February 16, 2023, apologizing for a previous post. There are no posts whatsoever to the Facebook group "Walterboro Word of Mouth."
5. Facebook's stated retention policy for deleted posts is 30 days, so any posts deleted in the period January 23, 2023, to March 2, 2023, would not be recoverable.

FURTHER AFFIANT SAYETH NOT.

Phillip Barber

September 4, 2023

SWORN TO before me this 4th day of September, 2023

Notary Public for South Carolina
My Commission Expires: July 25, 2032

EXHIBIT H

(Affidavit of Juror No. 785)

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

AFFIDAVIT OF [redacted] JUROR #785

PERSONALLY appeared before me, [redacted] who being first duly sworn, deposes and states as follows:

1. I was juror #785 in the case of *State of South Carolina v. Richard Alexander Murdaugh* tried in Colleton County, South Carolina.
2. During the presentation of the defense case, after President's Day but before Mr. Murdaugh testified in his own defense, Colleton County Clerk of Court Rebecca Hill told the jurors not to be "fooled by" the evidence presented to the jury by Mr. Murdaugh's attorneys.
3. In late February 2023, Ms. Hill questioned me about a Facebook post on the Walterboro Word of Mouth page. She summoned me to speak with her alone in an office in the courthouse. She told me someone emailed her about a post my ex-husband, Tim Stone, purportedly made, which purportedly stated that I made comments to him about the guilt or innocence of Mr. Murdaugh. She directly asked me whether I was inclined to vote guilty or not guilty. I told her I had not made up my mind and that I wanted to hear all the evidence before deciding.
4. Ms. Hill said the post said I had been drinking with my ex-husband, and that while drunk with him I expressed opinions on the guilt or innocence of Mr. Murdaugh. That never happened, and I told Ms. Hill it never happened. I did not go "drinking" with my ex-husband—in fact, I had not seen him in approximately ten years.
5. I asked to see the post, but Ms. Hill would not or could not show it to me. I have never seen it, and, to my knowledge, no one has.

6. Later that day, Ms. Hill told me SLED and Colleton County Sheriff's Office personnel went to my ex-husband's house, and he purportedly confirmed he made the post. She told me she would "reinstate" a restraining order I previously had against my ex-husband.
7. I did not know about the "apology" post referencing Satan until Ms. Hill's book was published. I have since reviewed that post and can definitely state the post is not by my ex-husband. He does not go by "Timothy," the profile picture is not him, and the phrasing of the post is not phrasing he would use. It appears to be a post by another person who happens to have the same name. It does not appear to be a post to the "Walterboro Word of Mouth" Facebook page.
8. When Ms. Hill first asked me about the Facebook posting purportedly made by my ex-husband, I showed her a picture of my ex-husband. For that reason, I now believe she always knew the "apology" post referencing Satan was not posted by my ex-husband.
9. On March 2, 2023—the day of the verdict—I received a call from my ex-husband, Tim Stone, as I was getting on the bus to travel with the rest of the jurors to the courthouse. I did not answer. This phone call upset me greatly and I asked to speak with the clerk of court, which I did by telephone using bailiff "Mr. Bill's" phone. I told her I was scared. She said that "the Murdaughs" probably "got to him."
10. Ms. Hill then again asked me questions about my opinion regarding Mr. Murdaugh's guilt. She asked if I was leaning one way or the other. I told her that Creighton Waters' closing was good, but I still had questions. She asked me what kind of questions and I replied, questions about the guns. She asked what would make me think he is innocent. I stated that no murder weapon was found. She then asked, "well, what makes you

think he's guilty?" I said Paul's video at the dog kennels. She then stated that everything Mr. Murdaugh has said has been lies and that I should "forget about the guns, they will never be seen again."

11. Ms. Hill then asked about the views of the rest of the jury. She told me if the foreperson would "just go in and ask for a raise in hands this would be over and done with." She said, "everyone needs to be on the same page." She then again said she would "reinstate" a restraining order I previously had against my ex-husband and that she would call Judge Newman about the restraining order.
12. I then went to the jury room. Approximately ten minutes later, I was excused from the jury. During the proceedings, I asked Judge Newman if he had spoken with the Clerk of Court. He only said this is not because of your ex-husband.
13. Two weeks later, I did answer a call from my ex-husband. I angrily confronted him about the post he purportedly made, because I knew I had not made the comments he claimed I made. He emphatically denied ever making any such Facebook post and genuinely seemed not to know what I was talking about.
14. On one day during my jury service, approximately one or two weeks before the verdict, [redacted] juror #864, and [redacted] juror #826 were in the single-toilet unisex bathroom together for an extended period. They were known to do so frequently to discuss the case. [redacted] juror #729, referred to it as "A and D" time.
15. In the van going to the courthouse, [redacted] juror #864, said Special Agent David Owen lied on the stand but that nothing would happen to him.
16. When we visited the Moselle crime scene, Ms. Hill and [redacted] juror #826, walked off together, avoiding other jurors in order to have a private conversation.

17. I own a rental property which is leased to two tenants, Deborah Webb and Clifford Dandridge. On Saturday, February 18, 2023, I delivered a refrigerator to the property.
18. I was removed from the jury on the day of the verdict because a co-worker of Ms. Webb purportedly said I expressed an opinion on Mr. Murdaugh's guilt or innocence while delivering the refrigerator. Ms. Webb then worked at Domino's Pizza in Walterboro, so the co-worker would be some employee of Domino's Pizza in Walterboro. I do not know whether Ms. Webb actually made any such statement at Domino's Pizza or whether a co-worker actually heard any such statement.
19. After I was dismissed from the jury, I spoke with Ms. Webb and Mr. Dandridge, who both vehemently stated to me and my husband that the affidavits the prosecution drafted for their signature was not what they said to him. They told me SLED showed up at their home at 10pm, after they were asleep, removed them from their home, put them in separate cars, and questioned them. Mr. Dandridge said he told them I did not say anything about Mr. Murdaugh's guilt or innocence. SLED returned 30 minutes later, again woke them from their beds, to serve subpoenas on them to appear in court the next day.
20. They arrived at the courthouse at 9am the next day, and were held for nine hours, until 6pm, when SLED officers or a prosecutor finally presented typed affidavits to them, saying they were their statements from the previous night that had been recorded by dashcams in the patrol cars. They said they signed the affidavits without reading them.
21. As I previously testified, I never discussed the merits of the Murdaugh case with Ms. Webb, Mr. Dandridge, or any other person present, nor did I express an opinion on Mr.

Murdaugh's guilt or innocence, while delivering the refrigerator or during any other interaction within them during the trial.

FURTHER AFFIANT SAYETH NOT.

[redacted] Juror #785

August 13, 2023

SWORN TO before me this 13 day
of August, 2023

Notary Public for South Carolina
My Commission Expires: July 25, 2032

EXHIBIT I

(Draft Transcript of Records Excerpt from *in camera* conference, February 28, 2023)

State of South Carolina) In the Court of General Sessions
) Fourteenth Judicial Circuit
County of Colleton) 2022-GS-15-0592
2022-GS-15-0593
2022-GS-15-0594
2022-GS-15-0595

The State of South Carolina,)
)
)
vs.) Transcript of Record
) **EXCERPT**
) ***IN-CAMERA* CONFERENCE:**
Richard Alexander Murdaugh.) **JUROR 785**
)
)

February 28, 2023

B E F O R E:

The Honorable Clifton Newman, Judge, and a jury.

A P P E A R A N C E S:

Alan M. Wilson, Attorney General
Donald J. Zelenka, Deputy Attorney General
Samuel Creighton Waters, Senior Assistant Deputy AG
John B. Conrad, Assistant Attorney General
David A. Fernandez, Assistant Attorney General
Savannah M. Goude, Assistant Attorney General
Johnny E. James, Assistant Attorney General
John P. Meadors, Assistant Attorney General
Attorneys for the State

Richard A. Harpootlian, Esquire
James M. Griffin, Esquire
Phillip D. Barber, Esquire
Margaret N. Fox, Esquire
Attorneys for the Defendant

Elizabeth B. Harris, CVR-M-CM
Michael C. Watkins
Circuit Court Reporters

case?

JUROR: No.

THE COURT: Have you put anything on Facebook?

JUROR: Not regarding the case. I put a positive post on -- I gave Ms. Becky my -- full access to my Facebook. I've put positive posts on. I've done that for the past three years, but.

THE COURT: Has anyone posted anything on Facebook about you

and --

JUROR: I wasn't aware of it until Ms. Becky told me today.

THE COURT: What did she tell me?

JUROR: She told -- she asked me if I had a ex-husband and I said yeah. And she asked me if I had talked to him about the case or being on jury duty, and I said no, and I questioned her why she was asking me that. I haven't seen my ex-husband since 2014.

THE COURT: Does he live in the area?

JUROR: He does now. He lives in Cottageville.

THE COURT: Okay.

JUROR: And I have three restraining orders against him warning --

THE COURT: So, he's basically up to no good?

JUROR: I wouldn't say that. I'd say a lot worse, but

that's a nice way to put it.

THE COURT: Okay.

JUROR: But she told me that -- I was very upset after she told me that. I have, like I said, I have three restraining orders against him. I wouldn't have anything to do with him if I didn't have a child with him, but I haven't seen him since 2014 when we got a divorce. I have talked to him within the last year because I got a call at work that my son was in jail and needed a ride home. And I did call his father and ask him to go get him, which he did not do. But other than that, I have not seen him, talked to him, or anything else since 2014 other than getting restraining orders in Colleton County, one in Orangeburg County, and I have one in Berkeley County.

THE COURT: Wow.

JUROR: But Ms. Becky said she had went to look for the post again and that it had been deleted, and I don't know who she talked to or anything else, but she said apparently --

THE COURT: When did she tell you that?

JUROR: It was after you let us go on that last break. I was very upset, and she came down and talked to me and said that apparently -- I don't know who talked to him, but said that he was drunk and he removed the post.

THE COURT: So, has she discussed the case with any of

-- any of the jurors? Has the clerk discussed anything about the case with anyone on that jury?

JUROR: Not that I'm aware of.

THE COURT: Okay. She was just discussing with --

JUROR: She, she pulled me aside and when we went downstairs after the last break -- I want to say it was after lunch and we came back, that's when she first told me about it. And then when we went back into court, I was kind of screening the audience to make sure that my ex wasn't out there. And she came downstairs after that break and told me that she had found out that he was drunk and made a drunk post, and I don't know what happened from there. I have no clue.

THE COURT: And you work at the?

JUROR: I work at a monkey farm.

THE COURT: Monkey farm. What do you do there?

JUROR: I work in the lab, for the lab. All I do is watch monkeys. It's a testing facility where they try and come up with cures for, like, AIDS, cancer, leukemia.

THE COURT: You're happy to be here away from the monkeys for a while?

JUROR: Yeah. I miss my monkeys.

THE COURT: Are they pretty smart as everyone says?

JUROR: They are very intelligent, and they hurt and bleed and have feelings just like you or I do. They do.

THE COURT: Okay. At this point in time, have you made up your mind as to guilt or innocence, though?

JUROR: I haven't. I was trying to wait on closing arguments because those are usually pretty good.

THE COURT: You been on jury duty before?

JUROR: I was, but it kind of really sucked because they called us back and we were, you know, anticipating -- it was my first jury, and they made up a agreement, and we never ever got to sit on the jury.

THE COURT: Okay, any questions either -- for anyone to ask?

MR. GRIFFIN: No, Your Honor.

MR. WATERS: No, sir.

THE COURT: Okay. If you will stand right inside --

JUROR: Follow her?

THE COURT: Follow her for a second.

Gabby, just right outside, inside the other door but not all the way out.

(Juror 785 exited the room.)

THE COURT: All right, comments.

MR. GRIFFIN: Your Honor, I think that satisfies it, and she hasn't talked to anybody. Hasn't expressed an opinion and hasn't made up an opinion, and she's got an ex-husband that she has three restraining orders against him.

THE COURT: That's understandable. Have a good night.

JUROR: Thank you.

THE COURT: Okay.

JUROR: They are going to bring me back to my car, right?

THE COURT: They didn't leave you, did they?

JUROR: Yes.

THE COURT: Oh, they did?

LAW CLERK: No. I'll go get her to a bailiff, and they'll go get her. I'll go down there to a bailiff --

JUROR: They left.

LAW CLERK: -- and make sure they get her home.

(Break in proceedings.)

JUROR: Y'all have a good night.

THE COURT: Okay.

MR. GRIFFIN: Bye.

(Juror 785 exited the room.)

THE COURT: Well.

MR. WATERS: I got a name now.

THE COURT: A name, Clifford Dandridge, Bee Street. Oh boy. I'm not too pleased about the clerk interrogating a juror as opposed to coming to me and bringing it to me.

MR. GRIFFIN: I was surprised to hear that.

THE COURT: Yeah.

THE COURT: So.

EXHIBIT J

(Affidavit of H. Miller *re Juror No. 326*)

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF HOLLI MILLER
COUNTY OF RICHLAND)

PERSONALLY appeared before me, Holli Miller, who being first duly sworn, deposes and states as follows:

1. On August 6, 2023, Dick Harpootlian, Jim Griffin and I met with [redacted], Juror #326 in the case of *State of South Carolina v. Richard Alexander Murdaugh*, and his mother at her home located at [redacted]
2. During the meeting, Juror #326 relayed the following information to us.
3. Juror #326 was asked if Ms. Hill told the jurors not to let the defense mislead them. He did not specifically recall this statement but he did recall that Ms. Hill commented to him and other jurors about the photos that would be admitted into evidence, indicating that the "images would be disturbing."
4. Juror #326 also stated that the jurors were stationed in two separate rooms when they were not in the courtroom, and that he was in a room with mostly other male jurors. He was not in the same room as Jurors #630, #741 and #785. Juror #326 stated that Ms. Hill would visit the other room more often and that he could not hear what she was telling the jurors in the other room.
5. During the trial Juror #326 and others discussed the case prior to deliberations. He did not discuss the case with anyone outside of the jurors. He further commented that some of the jurors were going into their office because of financial reasons and that "people were talking to coworkers because coworkers wanted info."
6. Before deliberations began, Juror #326 indicated that "minor conversation led him to know who was a yes and who was a no". His vote changed with new evidence.

7. As the jury was deliberating, the bailiff and Ms. Hill told the jurors that they could not take a smoke break during deliberations. There were six smokers on the jury.
8. After the trial concluded, a group chat was formed with the jurors, but Juror #326 dropped off of the group chat because there "were too many chats".
9. When asked if he thought the Clerk of Court Becky Hill was inserting herself in the process of the trial, Juror #326 responded, "I can see this."

FURTHER AFFIANT SAYETH NOT.

Holli Miller

September 1, 2023

SWORN TO before me this 1st day of September, 2023

Mary Ringer
Notary Public for South Carolina
My Commission Expires: 6/27/33

EXHIBIT K

(Memorandum from Rebecca Hill, May 9, 2023)

To: [redacted] Dream Works aka Texas Crew Productions, LLC

From: Rebecca Hill, Colleton County Clerk of Court

Re: Addendum to Texas Crew Productions, LLC

May 9, 2023

Dear [redacted]

I'm looking forward to your upcoming docuseries on the Murdaugh case and I hope you'll be able to use some of my interview—should you choose to.

Because I am an elected official, we'll need to modify 3 clauses in the LOCATION agreement you presented me—as it relates to my authority.

Please change the word "Owner" to "Colleton County" in every reference in the agreement.

3–DATES and LOCATION FEE
Lowcountry Story, LLC agrees to pay the **Colleton County Treasury** a fee of $1,000 PER day for use of the Colleton County Courthouse facilities, so as long as it does not supersede any court proceedings. **Payment will be made by the close of production.**

10–MISCELLANEOUS
Colleton County, South Carolina can ONLY enter into a legal agreement for services if it is to be governed here in South Carolina, not New York. **As an elected official, I have no authority outside of the State of South Carolina.**

Sincerely, Rebecca Hill Rebecca Hill

Colleton County Clerk of Court

RHH Also, In exchange for the use of the likeness of Rebecca Hill in an interview, a minimum of .05 second video and audio clip will accompany the usage on the first reference.
The book cover for the book, "Behind The Doors of Justice: The Murdaugh Murders will be shown and audio will include Becky's introduction as Clerk of Court for Colleton County and author of the book.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of General Sessions

Clifton Newman, Circuit Court Judge

Appellate Case No. 2023-000392

The State, Respondent,

v.

Richard Alexander Murdaugh, Appellant.

PROOF OF SERVICE

I certify that on September 5, 2023, I served Appellant's motion to suspend appeal and for leave to file motion for new trial by emailing it to its attorneys of record with the South Carolina Attorney General's Office, Creighton Waters (CWaters@scag.gov) and Don Zelenka (DZelenka@scag.gov).

Respectfully submitted,

s/ Richard A. Harpootlian
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September 5, 2023

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

In re: The State v. Richard Alexander Murdaugh
Appellate Case No. 2023-000392

Dear Ms. Kitchings:

Enclosed please find Appellant's motion to suspend appeal and for leave to file motion for new trial in connection with the above-referenced matter.

I will have a $50 check delivered to the Court for the filing fee.

Thank you for your assistance in this matter.

With warmest personal regards, I am

Sincerely,

Richard A. Harpootlian

/hm
Enclosure
cc: Creighton Waters, Esquire
Don Zelenka, Esquire