

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

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

**STATE'S RESPONSE TO DEFENDANT'S
MOTION TO ACCESS CASE MATERIALS
IN ELECTRONIC FORMAT**

Defendant Murdaugh requests access to a "secure laptop computer" to review case materials in this matter while in the custody of SCDC as an inmate. Defendant argues that such relief is necessary to avoid the hardship of transporting and viewing multiple voluminous boxes of paper discovery. The State opposes such a request for the following reasons.

First, Defendant has repeatedly shown that he will violate security protocols. On August 9, 2023, Defendant received an SCDC disciplinary for abuse of privileges, and on August 15, 2023, Defendant received an SCDC disciplinary for unauthorized use of another inmate's PIN. These abuses involved misuse of a SCDC tablet for which SCDC suspended his privileges. These instances show Defendant cannot be trusted with sensitive information or digital devices, and SCDC should not be forced to accommodate Defendant by giving him unsupervised access to a laptop computer. Moreover, during the original trial, a family member passed a book through a defense staff member directly to Murdaugh without knowledge of law enforcement. This book was later recovered in defendant's cell and a jail contraband warrant was obtained. Defendant has demonstrated that he will break the rules and circumvent security if given the chance.

Second, the inability to trust such information with Defendant unsupervised is particularly highlighted by the fact that this information is extremely sensitive and frankly worth a lot of money. The State has repeatedly endeavored to prevent improper dissemination of this material, particularly things like crime scene images for which certain people or outlets would pay high dollar. It is a bad idea to leave such valuable and sensitive information solely within the protection and trust of an inmate and convicted longstanding fraudster like Defendant. He has shown he will come up with all manner of schemes to get money, and a laptop can be used for all sorts of nefarious purposes.

Third, much of the information in this case is State Grand Jury information, which is protected from redisclosure by statute and by a protective order issued in this case. Judge Newman's State Grand Jury Protective Order notes that S.C. Code Ann. § 14-7-1720 generally provides that State Grand Jury material is secret, "but allows disclosure for the purpose of complying with constitutional, statutory, or other legal requirements or to further justice[.]" *Id.* at 1. In line with the statute, the Order heavily protects the State Grand Jury material within this case. Notably, the Order expressly prohibits the digital dissemination of State Grand Jury material beyond the custody of Defendant's attorney(s):

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

absent order of the court, must be retained in a secure location by defense counsel unless and until it is destroyed pursuant to any applicable rule regarding file retention. []

Id. at 4 (emphasis added).

The footnote at the end of that paragraph provides further guidance specifically as to the issue of digital copies, noting that digital copies must be secured by passwords on all devices "so that *only the attorney and the employees of the attorney's office* will have access to said material." *Id.* (emphasis added). It goes without saying that Defendant is not his attorney and is not an employee of his attorney. Thus, while nothing in the Order prohibits Defendant from reviewing case materials with his attorneys, Defendant's requested relief falls squarely into what is prohibited by the Order.¹

And despite what Defendant attempts to assure this Court of in his description of various measures to prevent unauthorized access to these case materials, such assurances are incomplete. As acknowledged in other jurisdictions, the idiosyncrasies of correctional institutions require special deference from courts to prison officials, even if it affects a defendant's rights. *See United States v. Neff*, 2013 WL 30650, at *6 (N.D. Tex. Jan. 3, 2013), *aff'd*, 544 F. App'x 274 (5th Cir. 2013) (noting that "the constitutional right of access to the courts . . . does not include a constitutional right to access to a personal computer" and that "courts should give prison administrators 'wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.'" (quoting *Bell*

¹ To the extent Defendant's motion requests modification of Judge Newman's Order, this Court should decline to do so. There has been no change in circumstances between the issuing of the Order and the current pre-trial posture warranting such a modification. The State Grand Jury material remains secret.


v. Wolfish, 441 U.S. 520, 547 (1979)); *United States v. Duncan*, 2014 W.L. 949101 (E.D. N.C. February 29, 2024) (“Allowing an inmate to possess a laptop presents serious security and administrative risks for the facility housing Defendant.”). Allowing Defendant access to a laptop full of sensitive and secret State Grand Jury material expressly covered by a protective order is a cumbersome way to address a problem that does not exist. Defendant is free to meet with his attorneys to review case materials without needing the accommodations of retaining a laptop for his own use. Defendant had no problem preparing for the first trial without any such accommodation.

Defendant simply has proven by his conduct that he cannot be trusted to have unsupervised access *in prison* to a laptop loaded with extremely sensitive, valuable, and statutorily protected material. SCDC should not be forced to give him this privilege when he already lost access to tablets. It is respectfully submitted the motion should be denied.

Respectfully submitted,

ALAN WILSON
ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

By:



S. Creighton Waters
Sr. Assistant Deputy Attorney General

Columbia, South Carolina
June 28, 2026

JUN 29 2026 PM12:32
COLLETON CO GS. GARY HALE

**STATE OF SOUTH CAROLINA
COUNTY OF COLLETON**

State of South Carolina,

v.

Richard Alexander Murdaugh,

Defendant.

**COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT**

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

**STATE'S RESPONSE TO DEFENDANT'S
MOTION FOR INDEPENDENT
LABORATORY REVIEW OF DNA
EVIDENCE**

Defendant requests this Court order independent laboratory review of SLED Item No. 70. Defendant argues that further "forensic genetic genealogy" testing of Item No. 70 may resolve the identity of the unknown minor contributor to DNA recovered from Victim Maragret Murdaugh's fingernails. The motion as currently relayed should be denied for the following reasons.

SLED Item 70 is left fingernail clippings from Margaret Murdaugh. This item was tested by SLED, and some samples have been retained pursuant to best practice. A DNA profile suitable for comparison was developed, and interpreted as a mixture from two individuals. Maggie Murdaugh was identified as a contributor as one would expect given that it was her fingernails. A very partial and incomplete profile of another contributor was identified.

First, it is important to put this evidence in context, which of course had been available to the defense from early in the discovery process before the first trial. Touch DNA has gotten extremely sensitive, and we know that as humans interact with each other and their environment they are shedding DNA and picking up shedded DNA from others. Indeed, Maggie had her nails done the day of the murders according to anecdotal evidence in the case. More importantly, there is absolutely no evidence that a physical

struggle took place between Margaret Murdaugh and her murderer. She had no defensive wounds, and no indications on her hands or fingernails that she scratched her attacker. It was as if she was unexpectedly gunned down from a threat that she did not see coming.

Moreover, the incomplete nature of this profile limits its evidentiary value. This profile is not eligible for submission to CODIS as it did not contain enough identifying information to meet the threshold for submission. There is nothing of value to be obtained from "a more thorough analysis" because a thorough analysis has been completed by SLED. Defense has made no attempt to facilitate communication between SLED and Othram to even determine whether Item 70 would be eligible for testing by Othram, or what sort of testing Othram could conduct that SLED cannot. Defense has also failed to state what "more thorough analysis" would be conducted. If the defense lab expert wishes to reach out to SLED to discuss what exactly is proposed, why it is likely to be effective, and why it cannot be done by SLED, the State would certainly consider such discussions. There would also need to be discussions about protocols to facilitate review and preserve appropriate chains and sample integrity. At this point we have nothing of specifics and substance.¹

Ultimately, the unknown minor contributor to trace amounts of DNA under Victim

¹ Rule 4(a) of the South Carolina Rules of Criminal Procedure requires that "[a]n application to the court for an order shall be by motion which, unless made during a hearing or trial in open court with a court reporter present, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought." Rule 4(a), SCRCrimP (emphasis supplied). Defendant has failed to establish whether its independent laboratory even has the ability to extract, quantify and amplify enough DNA from Item 70 to create a viable sample to successfully conduct "forensic genetic genealogy" testing. Defendant failed to offer any prima facie explanation on how the purported "forensic genetic genealogy" testing may "more thorough[ly]" analyze Item 70 in comparison to the extensive DNA testing that has already occurred. His motion is insufficient under Rule 4(a).

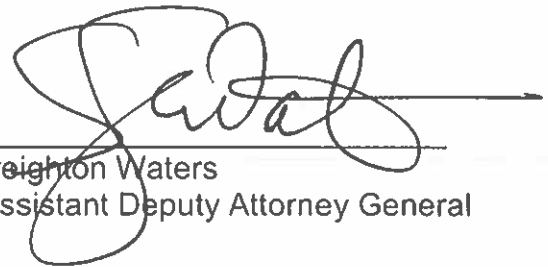
Margaret Murdaugh's fingernails is of very limited consequence. While the defense is certainly entitled to its thorough examination of evidence and independent testing when appropriate, the defense failed to state sufficient grounds for their motion. The State is concerned that non-traditional DNA testing for the sake of non-traditional DNA testing in this retrial is an unnecessary boondoggle that is more made for public consumption than to uncover viable evidence. That being said, the State is happy and willing to facilitate actual substantive conversations with the defense experts as to their proposals and representations as to their capabilities.

The State respectfully requests this Motion be denied.

Respectfully submitted,

ALAN WILSON
ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

By:

A handwritten signature in black ink, appearing to read "S. Creighton Waters", is written over a horizontal line. The signature is stylized and cursive.

S. Creighton Waters
Sr. Assistant Deputy Attorney General

JUN 29 2026 PM12:32
COLLETON CO. GS. GARY HALE

Columbia, South Carolina
June 28, 2026