STATE OF SOUTH CAROLINA COUNTY OF COLLETON The State of South Carolina, vs. Richard Alexander Murdaugh, Defendant.	IN THE COURT OF GENERAL SESSIONS FOURTEENTH JUDICIAL CIRCUIT Indictment Nos.: 2022GS1500592-00595 **ORDER DENYING MOTION TO DISMISS THE INDICTMENT**

This matter comes before the Court on Defendant Murdaugh's Motion to Dismiss the above-captioned indictments. A hearing on the motion was held on November 13, 2026. The State of South Carolina was represented by Creighton Waters, Esquire, and the Defendant was represented by Richard Harpootlian, Esquire, James Griffin, Esquire, and Phillip Barber, Esquire. After carefully reviewing the parties' written briefs, exhibits, arguments of counsel, and applicable case law, the Court hereby denies Defendant's motion for the reasons outlined below.

I. Procedural Background

In July 2022, a Colleton County Grand Jury indicted Defendant for two counts of Murder and two counts of Possession of a Weapon During the Commission of a Violent Crime arising out of the June 2021 deaths of Margaret and Paul Murdaugh. The case proceeded to trial in January 2023, and the appellate court subsequently remanded the matter for a new trial on May 13, 2026. The Defendant has moved to dismiss the original indictments returned by the Colleton County Grand Jury without prejudice. Defendant seeks dismissal on the grounds that the South Carolina Law Enforcement Division (SLED) Special Agent David Owen allegedly gave materially false and misleading testimony to the Colleton County Grand Jury.

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Specifically, the Defendant challenges Special Agent Owen's grand jury testimony concerning alleged blood spatter on the Defendant's white T-shirt and the manner in which shotguns were loaded and found at the Moselle property. The Defendant contends that these inaccuracies were false and misleading thereby tainting the grand jury's probable cause determination and warrants dismissal of the indictments. Further, the Defendant alleges that the State improperly utilized the State Grand Jury to secretly develop evidence against an already-indicted Defendant concerning offenses outside the scope of the State Grand Jury's jurisdiction.

The State opposes the motion, maintaining that Special Agent Owen's testimony was consistent with the investigative findings and expert opinions available at the time of the July 2022 grand jury proceedings. The State further contends that Special Agent Owen's testimony was not intentionally false or misleading. Moreover, sufficient independent evidence existed to support a finding of probable cause for the indictments. Further, the State denies misusing the State Grand Jury to obtain evidence in connection with the homicide investigation.

No transcript or recording exists of the Colleton County Grand Jury proceedings, as such proceedings are traditionally neither transcribed nor recorded. Consequently, both parties relied on indirect evidence during the hearing to establish what was presented to the grand jury. The Defense relied on Special Agent Owen's written outline and his sworn testimony from the 2023 murder trial, while the State referenced a separate outline prepared by another agent who did not testify before the grand jury. In the absence of an official record, the precise substance of the testimony presented to the Colleton County Grand Jury cannot be definitively established.

II. Legal Standard

The grand jury serves as an accusatory body responsible for determining whether probable cause exists to believe that a crime was committed and that the accused committed it. *State v. Thrift*, 312 S.C. 282, 440 S.E.2d 341 (1994). The right to presentment is secured by the South Carolina Constitution and statute. *State v. Baker*, 411 S.C. 583, 588, 769 S.E.2d 860, 863 (2015).

Grand jury proceedings are presumed regular absent clear evidence to the contrary, and the defendant bears the burden of establishing facts sufficient to challenge the legality of those proceedings. *Evans v. State*, 363 S.C. 495, 514, 611 S.E.2d 510, 520 (2005).

South Carolina courts generally decline to look behind a facially valid indictment absent extraordinary circumstances. While challenges to the procedural or structural integrity of grand jury proceedings may be permitted, courts have generally rejected inquiries into the adequacy or substance of the evidence presented. *See Evans*, 363 S.C. at 511–12, 611 S.E.2d at 518–19; *State v. Williams*, 263 S.C. 290, 295–96, 210 S.E.2d 298, 301 (1974); *State v. Batchelor*, 377 S.C. 341, 661 S.E.2d 58 (2008). Challenges to grand jury proceedings are ordinarily limited to matters involving the selection, qualification, or impaneling of jurors. *See* S.C. Code Ann. § 14-7-1140.[1]

[1] A challenge to the grand jury process is generally restricted to procedure and qualification, i.e., "...the drawing, summoning, returning, or impaneling of jurors" to a defendant's prejudice, S.C. Code Ann. §14-7-1140, or disqualification of a juror who sat on the grand jury. Evans v. State, 363 S.C. 495, 511-12, 611 S.E.2d 510, 518-19 (2005). See, e.g. State v. Batchelor, 377 S.C. 341, 661 S.E.2d 58 (2008) (fact that indictments charged person who was not driving as principal in DUI did not establish the State misinformed the jury the defendant was the driver); State v. Williams, 263 S.C. 290, 295-296, 210 S.E.2d 298, 301 (1974) (rejecting challenges under the Fifth, Sixth and Fourteenth amendments to competency and adequacy of evidence presented to grand jury, in part due to the "long-established secrecy of grand jury actions and the nature of its operations and functions"); State v. Sanders, 251 S.C. 431, 437, 163 S.E.2d 220, 224 (1968) (rejecting argument that defendant should have right to have judge poll the grand jury to ensure at least twelve of them voted to indict him because such a procedure would violate "the cloak of secrecy which has always been thrown around the deliberations of that body"); Margolis v. Telech, 239 S.C. 241, 122 S.E.2d 417, 421 (1961) (emphasizing secret nature of grand jury matters in reflecting effort of defendant in civil case to present evidence of events and testimony that allegedly occurred in presence of grand jury, which chose not to indict relative who later sued defendant for malicious prosecution).

A. Dismissal of an Indictment Under *State v. Thrift*

Dismissal of an indictment based on alleged misconduct during grand jury proceedings is an extraordinary remedy reserved for exceptional circumstances. In *State v. Thrift*, the South Carolina Supreme Court recognized that, although courts ordinarily do not inquire into the nature or sufficiency of evidence presented to a grand jury, an exception exists for a colorable claim of prosecutorial misconduct. 312 S.C. at 301, 440 S.E.2d at 352.

In *Thrift*, the prosecutor repeatedly elicited testimony concerning the defendant's refusal to submit to a polygraph examination and called the polygrapher to testify about that refusal. The Supreme Court concluded that dismissal was warranted given the extensive prejudicial testimony, the absence of a limiting instruction, and the State's acknowledgment of weaknesses in its case. *Id.* at 303–04, 440 S.E.2d at 353. In reaching its decision, the Court adopted the standard articulated in *Bank of Nova Scotia v. United States*, 487 U.S. 250 (1988). Under this standard, dismissal is warranted only when the misconduct substantially influenced the grand jury's decision to indict or when there is grave doubt that the decision was free from such substantial influence. *Thrift*, 312 S.C. at 303–04, 440 S.E.2d at 353.

Accordingly, the defendant must establish misconduct of sufficient gravity to compromise the integrity of the grand jury proceedings and demonstrate the requisite prejudice. Mere inaccuracies, mistaken testimony, or discrepancies in the evidence do not, standing alone, establish grounds for dismissal. *United States v. Moore*, 184 F.3d 790, 794 (8th Cir. 1999). Rather, the inquiry focuses on the nature of the alleged misconduct and whether it substantially influenced the grand jury's decision to indict.

III. Findings of Fact

A. The T-Shirt

To summarize, on June 8, 2021, Special Agent Owen collected a T-shirt from the Defendant at the scene. On June 25, 2021, a SLED Lab report indicated a presumptive positive for blood on cuts from the bottom of the shirt. In July 2021, the SLED Lab treated the Defendant's shirt with LCV and concluded it was presumptive for blood, as well as possible spatter and transfer stains. On July 25, 2021, the SLED Lab issued a report finding that Maggie or Paul were DNA contributors on certain cuts from the shirt. In late 2021, SLED retained a blood spatter expert who received SLED investigative materials on January 4, 2022, for his review.[2]

One month later, the expert submitted a draft report to SLED that did not identify the presence of blood spatter. However, following further discussions and a review of higher-quality photographs taken before LCV processing, as well as a physical examination of the T-shirt, the expert concluded that the Defendant's shirt contained more than 100 spatter stains. Accordingly, when the case was presented to the grand jury in July 2022, Special Agent Owen's testimony reflected the expert's most recent findings, which are now the subject of the Defendant's challenge.

The November 10, 2021, SLED HemaTrace report did not surface until October 2022, following the Defense's motion to compel production of the SLED laboratory case file. Subsequently, on November 23, 2022, several months after the case was presented to the Grand Jury and the Defendant was indicted, the Defense filed a motion to suppress the expert's opinion concerning the Defendant's T-shirt. Attached to that motion was the previously undiscovered

[2] The November 10, 2021, SLED HemaTrace report indicating no human blood was found on the T-shirt was not included in the SLED investigative materials sent to the expert.

November 10, 2021, HemaTrace report, which had been included in the SLED laboratory case file produced to the Defense.

The report indicated that "no human blood was identified" in the samples from the T-shirt. This report had not been previously provided to the Attorney General's Office or the expert during the normal discovery process. SLED records revealed that the HemaTrace report was initially downloaded on November 30, 2022, by the Attorney General's Office and Special Agent Owen, and subsequently provided to the Defense on December 2, 2022, after the indictment.

When the November 2021 SLED HemaTrace report was discovered, the State promptly sent it to the expert for his review. The expert opined that the LCV treatment could have resulted in a false negative. Nevertheless, the expert maintained his original conclusion that the stains were consistent with back spatter resulting from a disruptive force, such as the discharge of a firearm.

The Defendant contends that Special Agent Owen presented inaccurate or misleading testimony concerning the presence of blood spatter on the Defendant's white T-shirt. The State acknowledges that Special Agent Owen's testimony reflected the findings of the expert's report. However, the Defendant argues that knowledge of the November 10, 2021, SLED report, which indicated that no human blood was identified on the T-shirt cuttings, is imputed to the State regardless of whether the prosecution had actual knowledge of its existence. Although the report was addressed directly to Special Agent Owen, the record indicates that he was unaware of its existence at the time of his testimony before the grand jury. While the report should not have been overlooked, the present record does not establish that Special Agent Owen knowingly or willfully provided false testimony concerning the T-shirt or that the prosecution intentionally presented false evidence to the grand jury.

In this case, the records indicate that neither the State nor the agent downloaded the report until November 30, 2022. Thus, when the agent testified before the Colleton County Grand Jury regarding blood spatter on the defendant's shirt and DNA belonging to Alex, Maggie, and Paul Murdaugh, neither the agent nor the Attorney General's Office were aware of the report. The Defendant contends this testimony was false because the report indicated no human blood in the areas identified as spatter, and Paul Murdaugh's DNA was found only in two cuttings from the lower front of the shirt, neither of which the State identified as spatter. The Court also notes that the SLED HemaTrace report found that Stain C and Stain D came back as inconclusive and Stain F was not interpretable concerning the presence of Paul Murdaugh's DNA.

Ultimately, the Court finds that the Defendant has failed to establish sufficient grounds to warrant dismissal of the indictment based on the testimony to the grand jury by Agent Owen. The record does not establish that any evidence was fabricated or that false testimony was knowingly presented to the grand jury. Rather, the testimony at issue arose during an ongoing investigation in which forensic findings and expert opinions continued to develop as additional information became available. Considering the investigative record as a whole, the Court concludes that the discrepancies in the forensic evidence, including the failure to consider the November 10, 2021, report, do not rise to the level of misconduct necessary to justify dismissal of the indictment.

The Court does not take lightly Special Agent Owen's failure to recognize and account for a laboratory report addressed directly to him prior to presenting testimony in this case. Law enforcement bears a fundamental duty to thoroughly review and accurately represent the complete evidentiary record. Oversights of this nature undermine public confidence in the integrity of the criminal justice system. Nevertheless, the Court finds that this failure does not rise to the level of bad faith misconduct warranting dismissal of indictments.

B. Shotgun Loads

Defendant also contends that Special Agent Owen testified that shotguns recovered from the Moselle property were loaded with the same combination of buckshot and birdshot or turkey-shot ammunition used to kill Paul Murdaugh. According to Defendant, later trial testimony and ballistic reports showed that no firearm seized from the property contained that matching ammunition load.

Even accepting that the challenged testimony was inaccurate, the record presented does not establish intentional fabrication or prosecutorial misconduct. The Court further finds that the investigation revealed multiple firearms and various types of ammunition recovered from the Murdaugh property. Investigators recovered ammunition consistent in make, model, and size with both shells. Additionally, firearm examiners determined that the .300 Blackout cartridge casings recovered near Maggie Murdaugh's body had been loaded into, extracted from, and ejected by the same firearm as casings recovered elsewhere on the property. A family-owned Benelli 12-gauge shotgun and at least one .300 Blackout rifle have not been recovered.

The investigation also revealed that several recovered shotguns contained different ammunition loads, including buckshot, birdshot, and turkey loads. Although no shotgun recovered from the residence was loaded with both buckshot and turkey loads, investigators located mixed ammunition throughout the property. The investigative outline prepared for the July 14, 2022, Colleton County Grand Jury presentation accurately identified the different ammunition loads recovered and their relationship to the ammunition used in the murders.

The Court further finds that Agent Owen acknowledged during trial that his November 2021 grand jury testimony concerning the particular ammunition loads was inaccurate. However, the evidence available at the time of the Colleton County Grand Jury presentation established that

multiple firearms and different ammunition loads were recovered from the property. Accordingly, the Court finds that any inaccuracies concerning the ammunition loads reflected confusion or imprecise descriptions rather than intentional fabrication or misrepresentation of evidence.

IV. Improper Use of the State Grand Jury

The Defendant contends that State improperly utilized the State Grand Jury, which has jurisdiction over financial crimes, to subpoena witnesses and gather evidence for the homicide case before and after the murder indictments were issued. The State counters that these overlapping investigative issues were already addressed and litigated during the 2023 trial, asserting that the financial crimes and murder investigation were intrinsically linked as motive.

Further, under S.C. Code Ann. § 14-7-1630, the State Grand Jury is authorized to investigate multi-county financial crimes and related offenses and the evidentiary overlap between the Defendant's financial schemes and the homicides was properly within the scope of lawful inquiry. The Defense presented no evidence of improper use of the State Grand Jury to investigate the crimes. Therefore, the Court finds that there is no evidence of misuse of the State Grand Jury relating to the murder indictments.

V. Sufficiency of Independent Probable Cause

Even if the challenged testimony concerning the blood spatter on the T-shirt and shotgun ammunition were excluded from consideration by the grand jury, the remaining unchallenged evidence overwhelmingly established probable cause. The State did not seek indictment until long after additional independent evidence was obtained, including digital timeline records, FBI telemetry analysis, cell phone data, video evidence placing the Defendant at the scene immediately

before the homicides, evidence of GSR on the Defendant's raincoat, and circumstantial evidence regarding motive and opportunity.

Specifically, the grand jury received evidence of a cellular-phone video recorded by Paul Murdaugh that placed Defendant at the Moselle kennels with both victims just minutes before their deaths. That evidence contradicted Defendant's alibi statements to investigators and family members. The grand jury also received evidence concerning .300 Blackout cartridge casings found near Margaret Murdaugh's body that matched casings found elsewhere on the property. In addition, a family rifle of the same caliber was missing and never recovered.

This independent evidence was sufficient to establish probable cause for the indictments. Accordingly, the Court finds no basis for concluding that the challenged testimony substantially influenced the grand jury's decision to indict, nor does the Court harbor grave doubt as to whether it had such an effect. *See Thrift*, 312 S.C. at 296, 440 S.E.2d at 349.

The grand jury's sole function is to determine whether probable cause exists to require a person to stand trial, not to determine guilt or resolve competing forensic interpretations. Any inconsistencies in prior investigative statements or forensic conclusions are matters properly addressed through cross-examination and impeachment at the upcoming trial, rather than through the pretrial dismissal of facially valid indictments.

VI. Conclusion

The Court concludes that Defendant has not established intentional prosecutorial or investigative misconduct that compromised the integrity of the grand jury proceedings. Defendant has not demonstrated that the challenged testimony substantially influenced the grand jury's decision to indict or created grave doubt that the decision was free from such influence. Even if

the challenged testimony concerning the blood spatter on the T-shirt and shotgun ammunition were excluded from consideration by the grand jury, the remaining unchallenged evidence overwhelmingly established probable cause. Further, the Court finds no evidence of misuse of the State Grand Jury.

IT IS THEREFORE ORDERED that the Defendant's Motion to Dismiss Indictments is hereby DENIED. This matter shall proceed to trial in Sumter County as scheduled on April 5, 2027.

AND IT IS SO ORDERED.

/s/ Debra R. McCaslin
Debra R. McCaslin
Presiding Judge

November 20, 2026.

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