



HARPOOTLIAN
ATTORNEYS AT LAW

RICHARD A. HARPOOTLIAN
RAH@HARPOOTLIANLAW.COM

PHILLIP D. BARBER
PDB@HARPOOTLIANLAW.COM

ANDREW R. HAND
ARH@HARPOOTLIANLAW.COM

OFFICE
1410 LAUREL STREET
COLUMBIA, SC
29201

MAILING ADDRESS
POST OFFICE BOX 1090
COLUMBIA, SC
29202

DIRECT CONTACT
TELEPHONE (803) 252-4848
FACSIMILE (803) 252-4810
TOLL FREE (866) 706-3997

ONLINE
HARPOOTLIANLAW.COM

September 5, 2023
VIA HAND DELIVERY

The Honorable Adair Ford Boroughs
United States Attorney for the District of South Carolina
1441 Main Street, Suite 500
Columbia, South Carolina 29201

In re: State of South Carolina v. Richard Alexander Murdaugh
Indictment Nos. 2022-GS-15-00592, -593, -594, and -595

Dear Ms. Boroughs:

On March 1, 2023, after a six-week trial in Colleton County, my client Richard Alexander Murdaugh was convicted of the murder of his wife Maggie and son Paul. I write to request an urgent federal investigation of conduct by a South Carolina elected official during that trial. I have attached Mr. Murdaugh's recent filing in the South Carolina Court of Appeals regarding this matter, which describes jury tampering by the Clerk of Court for Colleton County, Rebecca Hill.

Ms. Hill's conduct described in detail by jurors in sworn affidavit testimony implicates 18 U.S.C. § 242, which imposes criminal penalties on any person acting "under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States" Ms. Hill acted "under color" of South Carolina law. She is the elected Clerk of Court charged with "jury management." See S.C. Code tit. 14, chs. 7, 17; S.C. Clerk of Court Manual ch. 4 (2014). Every interaction she had with any juror during the murder trial was under the pretense of authority granted by state law. In our recent court filing, we assert that Ms. Hill's actions deprived Mr. Murdaugh of his rights under the Constitution:

We believe that the statements of the [state actor] to the jurors are controlled by the command of the Sixth Amendment, made applicable to the States through the Due Process Clause of the Fourteenth Amendment. It guarantees that "the accused shall enjoy the right to a . . . trial, by an impartial jury . . . (and) be confronted with the witnesses against him" As we said in *Turner v. State of Louisiana*, "the '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." . . . We have followed the "undeviating rule," that the rights of confrontation and cross-examination are among the fundamental requirements of a constitutionally fair trial.

Parker v. Gladden, 385 U.S. 363, 364-65 (1966) (citations omitted).

I request that federal law enforcement investigate whether Ms. Hill and any other state actor violated 18 U.S.C. § 242 by tampering with the Colleton County jury. Even if no federal charges are ultimately brought, an investigation by Federal Bureau of Investigation (FBI) agents is needed to discover the truth and to vindicate Mr. Murdaugh's federally guaranteed right to a fair trial. The professionalism and integrity of the FBI's agents are unimpeachable. FBI agents will not attempt to direct the outcome of any investigation by pressuring or deceiving any juror or other witness. No juror will attempt to deceive an FBI agent. If FBI agents interview the jurors, the truth will be known, whatever the truth may be. The same cannot be said of any investigation conducted by the South Carolina Law Enforcement Division (SLED), who has a vested interest in upholding Mr. Murdaugh's conviction.

Mr. Murdaugh may be the most unpopular man in South Carolina right now. He has become the symbol of the Lowcountry judicial corruption. Disgust at his frauds unfortunately has created in some minds a "but not Alex Murdaugh" exception to the due process rights enjoyed by all Americans, regardless guilt or innocence. Those minds may delight in the irony that he may very well be a victim of the corruption he symbolizes. Federal law enforcement has long acted as a shield that prevents popular passions against a hated person from injuring the rights enjoyed by all persons. I ask that it do so again here.

With warm regards, I am,

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Harpootlian". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard A. Harpootlian

cc: Emily Limehouse, Esquire