

[Transcript] True Sunlight / TSP #22 - Prosecutors Drop a Bomb on The System + Alex Murdaugh's Lawyers Still Trying to Get Paid?

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I don't know if the justice system in South Carolina is finally imploding to the point where change has to come.

But this week, we saw solicitors come together in an unprecedented move to change a problem we have been talking about for years on this podcast.

Lawyer lawmakers selecting our judges.

That move is a big deal, and we will tell you why.

My name is Manny Matney.

This is True Sunlight, a podcast exposing crime and corruption previously known as the Murdoch murders podcast.

True Sunlight is a Luna shark production and written with journalist Liz Farrell.

Hello and Happy Thursday.

Y'all, today is a big day for me.

Tonight will be my first ever in-person speaking event focused around me and no one else, which is terrifying.

Tonight, I will be speaking to supporters and students at the College of Charleston about my new book and my journey to get where I am today.

It will be a talk not only about the Murdoch investigation, but the struggles I have faced in the last four years,

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and how despite all of it, our little kitchen table podcast overcame the odds to make it to number one.

Now, so many of y'all have been with me for a lot of big firsts in the last two years.

My first podcast episode, my first time speaking at a victims event, my first TV interview, my first wedding.

Just kidding, David, my only wedding. Y'all get the point.

We've been through a lot together, and I know there are so many of y'all rooting me on from around the world

as I step further and further out of my comfort zone, doing things I normally wouldn't for this book launch.

I want to start out this episode like we have so many before by thinking you are amazing loyal listeners

for giving me the courage to do things I wouldn't have dreamed of doing five years ago.

Y'all have given me the confidence to do these things I used to consider to be too terrifying to try.

I am not aiming to be perfect by any means tonight, by the way.

I am hoping that like my first podcast episode, this will be a learning experience that helps me grow and motivates me to keep pushing to get to my goal.

So that said, I'd love to see many of y'all tonight join me either in person or virtually.

Luna Shark Premium members will get a special link to join virtually where they will be able to comment live and ask questions.

For those of y'all who want to join in person or watch live, check out the link in the description to sign up.

This event marks the kickoff of many other events to celebrate the new release of my first book, Blood on Their Hands, out November 14th.

We will also be at the co-op, Soul Events Island, Friday at 4pm for a really fun meet and greet.

More events will be announced soon, so stay tuned.

I would love to be able to meet so many of you scattered all over the world.

We just need to figure out the logistics there.

And speaking of my book, we are compiling a huge amount of content to match each chapter of Blood on Their Hands for Soak Up the Sun Premium members.

If you have bought the book or planned to buy the book, we are offering a complimentary month of premium membership so you can get access to all these videos, audio clips, documents, and more. Plus, you'll get invited to live events that we broadcast to premium members.

Like the College of Charleston event Thursday at 4pm, or the Bluffton event on November 16th, which we will talk about more next episode.

If you already are a member and you bought a book, I have good news for you.

We are giving away special signed book inserts for each premium member.

Visit bloodontheirhandsbook.com and scroll down until you see the form to enter your name, email, and proof of purchase.

You'll receive a link to join the Soak Up the Sun level completely free to you.

So if you have preordered your copy, visit bloodontheirhandsbook.com and scroll down until you see the form to enter your name, email, and proof of purchase.

You will receive a link to join at the Soak Up the Sun level completely free to you.

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Cancel before the renewal date if you choose, but we hope you'll consider being a part of our amazing community that holds agencies to account.

Plus, I have to say this, every single book purchase helps me get to my big scary goal that I said out loud last week on becoming a New York Times bestselling author.

Sales between now and November 14th really matter, so don't wait.

Check out the link in the description and buy the book for not only an inspiring read, but you'll be able to join the inspiring Lunashark Premium Membership community for a month for free, and that is a big deal.

Before we get into it, let's talk about what's new this week in the Murdoch case because there's always something.

Remember how we told you that in their fight to get Alex assets immediately seized by the federal government, Dick and Jim had told a few lies.

One, they told the court that the Satterfield case had already been reduced to judgment, which had been satisfied by the offsets from other settling defendants.

Meaning, they told the court that Alec wasn't going to owe the Satterfields any money, even though they are still the only victims to whom he had confessed judgment.

And for the full amount of the theft, by the way, not just the part he stole, but the part that Corey stole as well.

You already know Eric's response to that.

I mean, it's laughable. If it wasn't so serious, it really would be truly laughable.

Meaning, it wasn't remotely true.

Two, and this is our favorite lie because it was immediately identifiable as not true the second they wrote it down.

They told the court that they did not intend to seek a fee from their clients.

They tried to come at this whole thing so virtuously, too.

They first characterized Alec's motive in begging the court to seize his assets as wanting to, quote, preserve them for the benefit of his victims and the public treasury, which talk about laughable.

Throughout their arguments, they referred to the receivership and the special referee, the people who were paid to calculate and manage Alec's assets and the person who will come up with a system of distribution of those assets as quote,

private attorneys, as if they, Dick and Jim, were some type of legal volunteer or public defender.

And in a footnote, they wrote this. Actually, here's David with what they said.

Murdoch's attorneys have stated publicly that they will seek no funds from the Murdoch assets to pay their attorney's fees and they make the same representation to the court.

Mr. Murdoch's position is that no lawyers should receive any more legal fees from the Murdoch assets.

And here is what we said about that two episodes ago.

So one, the man whose grandfather got him into law school and who used his law license to steal suddenly has a moral code of conduct when it comes to attorney fees.

And two, notice the wording there. Murdoch's attorneys have stated publicly that they won't seek fees. That is a fact.

But do they actually intend to not seek funds? They'd gone back on just about every noble promise they've made publicly.

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It's their wording that was the giveaway to us. Instead of telling the court that they would in fact be seeking no funds, they simply told the court this was something they had once said out loud in front of people, which they did.

We've said a lot of it at CrimeCon actually. According to Fox News coverage of the event at a Q&A hosted by 2020 reporter Eva Pilgrim, Dick told the audience that there was no more money to try Alex Case.

And so he and Jim intended to work for free. Eva expressed surprise about that and here's how Dick responded.

What's so astounding about that? We do cases for free all the time. We make good money. I could spend that on, I don't know, a racehorse. I could spend it on a vacation somewhere.

Fox News reported that Dick told the audience that he had already earned a half billion dollars in his career and that for Alex cases, he and Jim only earned about \$25,000 each.

It takes a lot for me to say that without throwing up in my mouth, because oh my God, think about how much money that is.

How are we living in a world where Dick Harputlian, who has proven to be not that great of a lawyer but rather just good at bullying and getting his way, how is he making money in the same league as Taylor Swift and Beyonce?

This is a perfect example of why Dick Harputlian and his good old boy friends are gripping so tightly with their old man fingers to this old system, because it was designed specifically by them and for them.

So guys like Dick Harputlian can bully their way to half a billion dollars by just being mediocre and mean.

I say this not to shame anyone for the money that they make.

I know lawyers like Eric Bleyman and Mark Tensley get trolled on Twitter all of the time for the money they make off of cases, and that is not the point here.

People should make good money for doing good things for others.

Money is the great motivator of our society whether we like it or not.

What does it say about our society when someone with such despicable morals has made over half a billion dollars?

Think about this, Dick Harputlian has apparently made enough money to give every person in the United States one dollar.

Yet here we are on another episode talking about Dick's fight for Murdoch dollars because greed is the good old boy drug of choice, apparently.

According to Crimecon coverage from the British news agency The Independent, Jim told the audience that they had already been paid handsomely from a retainer that Eric had paid for Paul's boat crash case.

Which?

Can we talk about how gross that is?

What money did Eric use to pay that retainer?

Because that was right around when he was stealing millions of dollars from the Satterfields.

And B, using money from your murdered client to defend the man who murdered him seems like it should be against some sort of rule, right?

Anyway, Dick and Jim were clear.

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We do not quit on our clients.

We'll do this for free.

And that's what they sort of told the federal court.

Now, of course, the U.S. Attorney's Office called out Dick and Jim on this laughable lie by pointing out that the two of them are currently appealing a decision by South Carolina circuit court judge Daniel Hall,

who denied their request to take back \$160,000 of the more than \$400,000 that went into the receivership fund for the victims from LX 401K.

Remember LX 401K trick, right?

Let me cash out my 401K to pay Dick and Jim more than \$600,000 and I'll give the receivership 40% of the cash for the victims.

Remember that one?

Then remember how immediately after the murder trial, Elick was like, actually, give me that back.

I got to pay the more than half a billionaire aspiring to be a racehorse owner and the guy who said he'd already been paid handsomely by my son's boat crash retainer.

Okay, so the U.S. Attorney's Office said this to the court in their surrepley, which was filed just before Judge Gurgle ruled against Elick's ridiculous asset seizure motion.

For the first time in his reply, the defendant claims that his attorneys do not intend to seek fees from the receivership assets during the claims process.

The defendant and his counsel have not moved to dismiss their appeal to the South Carolina Court of Appeals, which seeks to do just that.

Clawback funds from the liquidation of the defendant's 401K accounts that he agreed to place and did place into the receivership estate for the express purpose of paying his lawyers.

To the government's knowledge, the defendant's counsel have not notified the co-receivers that they are no longer seeking those funds.

So they got burned. Emily Limehouse was like, weird that you've told the judge you're not taking a fee because sure seems like you're still trying to do that.

Now, what would you or I do after a U.S. Attorney told a federal judge that we seem to be big fat liars?

We'd probably go straight to the Court of Appeals immediately to dismiss our motion where we're trying to get at those fees, right?

They'd be like, see, we're not how you tried to say we were.

It's just an oversight, but that's not what Dick and Jim did because they are exactly who Emily said they were.

Instead, after Judge Gurgle ruled against their request to seize Elec's assets, Jim told the South Carolina Court of Appeals that he and his client needed an extension of 30 days to be able to file their initial brief and designation of matter.

Meaning, it still appears that they are appealing Judge Hall's decision.

They are still seeking this money to pay their fees that they say they don't want or need.

At CronCon, they literally tried to tell the audience that this, that defending Elec is a noble cause that they're proud to take up, that they're so duty bound to take up that they're going to do it for free.

And here they are, not 48 hours after Judge Gurgle denied their motion, which they made based on a

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set of facts that included their intention not to take a fee doing the work to make sure that they can take a fee.

Everyone needs to remember this.

Maybe we're naive to think that lawyers aren't like this.

Maybe this is just how it is, but it's so predatory and so animalistic.

There are no rules, there is no honor.

And this is where we have a problem with them.

Defend your client to the best of your abilities, but don't lie for them.

Don't waste the court's time by saying whatever you need to say in the moment to get your way and then pretend you never said what you said.

Because you know what?

You might have earned a half a billion dollars dick, but there's a big echo in those empty hallways of yours.

It's just you and your voice and I'm not sure how you're not sick of hearing it.

One more quick update.

The South Carolina Court of Appeals has agreed to hold Corey Fleming's appeal in abeyance while the court decides whether he can actually appeal Judge Clifton Newman's sentencing.

Why?

Because Corey pleaded guilty and with that generally comes no appeal.

He rolled the dice and said, I did it to every single one of his charges.

He left it up to the judge to decide hoping the judge would defer to the federal court and not sentence him beyond the 46 months that Judge Gurgle gave him.

He gambled and he lost.

He thought by pleading guilty to it all that by showing what appeared to be genuine remorse that he could trick the system into feeling sympathetic to his plate.

To some, Corey's 13 year, 10 month state sentence is sympathetic.

He was risking more than 10 times that amount, so in a way he got off lucky.

But here he is asking the court to grant him a do-over and they're considering it.

It kind of makes you wonder if he really did talk during those few weeks when he was off the prison grid.

We'll be right back.

Seeking the truth never gets old.

Introducing June's Journey, the free to play mobile game that will immerse you in a thrilling murder mystery.

Join June Parker as she uncovers hidden objects and clues to solve her sister's death in a beautifully illustrated world set in the roaring 20s.

With new chapters added every week, the excitement never ends.

Download June's Journey now on your Android or iOS device or play on PC through Facebook Games.

And with everything pre-portioned and delivered right to your door every week, it is a no-brainer.

With so many in-season ingredients, I love tasting the freshness of fall in every bite of HelloFresh's Chefcrafted recipes.

Produce travels from the farm to your door for peak ripeness you can taste.

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I love that HelloFresh's menu options include 40 recipes and over 100 add-on items to choose from every week.

Go to HelloFresh.com slash 50sunlight and use code 50sunlight for 50% off plus free shipping. That's right.

For 50% off from America's number one meal kit plus free shipping, go to HelloFresh.com slash 50sunlight and use code 50sunlight.

Okay, now let's talk about the most exciting thing to happen in South Carolina's justice system in the last few months.

And that is saying something.

There might be actual change happening.

In a wildly unprecedented move, more than half of our state solicitors, our version of a district attorney,

have signed a letter asking Senator Luke Rankin and Rep Merle Smith, both of whom are lawyer lawmakers,

to remove all lawyer lawmakers, especially Rep Todd Rutherford from the Judicial Merit Selection Commission.

Here is David with that letter.

Dear Speaker Smith and Chairman Rankin, we support reforming the process by which we select judges in South Carolina.

Judicial reform is a significant topic of public interest, and one of the major reform proposals offered by legislative members thus far

includes changing the composition of the Judicial Merit Selection Commission, JMSC.

As you know, elected solicitors and sheriffs support legislation removing legislative involvement in the JMSC.

We believe legislation removing legislators from the JMSC would go a long way toward improving the judicial selection process

and restoring public confidence in our judiciary.

Regardless of what reform package the General Assembly may pursue,

it is our opinion that all lawyer legislators be removed from the JMSC immediately.

The public is wary of JMSC members having their family and friends elected to the bench.

We are writing to ask that you exercise your appointment power as Speaker of the House and Chairman of the Senate Judiciary

to immediately replace the six lawyer legislators with non-lawyer members of the General Assembly.

One JMSC member has been central to a number of recent scandals that have eroded public confidence in our state's judiciary

and have created an appearance of undue influence derived from the considerable power granted by his role in the JMSC.

We wish to highlight Representative J. Todd Rutherford's actions because they illustrate the conflicts inherent in the current JMSC process.

In State v. Gerard J. Price, the Supreme Court vacated a sealed order releasing the defendant from the SC Department of Corrections

after he served only 19 years of his 35-year prison sentence.

While the court was split three to two, all members of the court were troubled by the underlying

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secret backroom meetings
resulting in a sealed order devoid of any public reasoning for releasing a convicted murderer 16 years early.
There is ample blame to go around in the price matter, but it appears to us that the defendant's lawyer Representative Rutherford was able to exert extraordinary influence to obtain a remarkably egregious result.
After the price matter was publicly reported, Governor McMaster called for a review of secret release orders which revealed other questionable matters involving Representative Rutherford.
These revelations undermine our judicial system and highlight the reasons public confidence is waning in how we select our judges.
Just one week after the price decision, a newspaper reported on another case involving one of Representative Rutherford's clients, a two-time drug trafficker facing a mandatory prison sentence.
The defendant pled guilty on the eve of trial and Representative Rutherford convinced the judge to allow the defendant to remain out on our streets by ordering a highly questionable pre-sentence investigation, PSI.
The sentence was then deferred for three years.
Never in our many years of collective prosecutorial experience have we seen a two-time drug trafficker receive a PSI, much less have his sentence deferred for three years.
This, however, is what JMSC member Todd Rutherford convinced a judge to award his client.
The defendant was re-arrested during those three years, again represented by JMSC member Todd Rutherford, and allowed out on bond.
Arguably, the defendant may never have been sentenced if the media had not reported on his case.
Last week, it was reported that after another secret court proceeding, Representative Rutherford obtained a 12-year early release for a convicted home invader and kidnapper who repeatedly shot a man.
The newspaper reported that the circuit court's order made no mention of what, specifically, the inmate did to warrant such mercy.
But a subsequent arrest warrant for a prison officer accused her of providing an inmate with nude photos, candy, and sunflower seeds.
The charges against the officer were later dismissed.
As for the early release of the violent inmate, it is yet another case involving JMSC member Todd Rutherford convincing a state judge who must come before him on JMSC to violate our laws by closing the courtroom to the public.
We believe the improper appearance created by Representative Rutherford exerting this sort of undue influence stems from his membership on JMSC, which allows him to pick which judicial candidates are nominated for election by the General Assembly.
The fact that Representative Rutherford believes it is his prerogative to pick judges was on full display in Strickland v. Richland County Legislative Delegation,

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another shameful episode in which the Supreme Court held that a county legislative delegation violated a statute requiring them to forward the only qualified candidate to the governor for consideration.

Representative Rutherford and some of his colleagues sought to illegitimately reopen the nomination process,

even though the sole applicant, a respected and long-serving judge in Richland County, was found well qualified by the JMSC.

In our opinion, these recent examples are demonstrative of a lack of regard for the rule of law.

Quite frankly, it is shocking that Representative Rutherford remains in such an important position and that lawyer legislators on JMSC have such influence over our judiciary.

Trust us when we say that Representative Rutherford's tactics are not unique.

Lawyer legislators have undue influence over our judiciary.

We can provide countless other instances under oath.

Removing lawyer legislators will not cure all of the JMSC's ills, but it will eradicate one's symptom, and you have the authority to do it.

Exercising your authority to remove them from the JMSC will send a clear message that you take judicial reform seriously, and you intend to do everything in your power to restore faith in our judicial system.

South Carolina Code grants both of you authority to appoint members to the JMSC.

With the power to appoint comes the power to remove.

We urge you to replace all lawyer legislators with non-lawyer members to serve until the General Assembly acts to reform this troubled committee.

Whew, y'all. That letter is powerful.

Not only are they saying that Todd Rutherford is a problem, they are calling out lawyer legislators and putting it on the table and square in their hands of those with the power to fix this immediately.

Quote, trust us when we say that Rep. Rutherford's tactics are not unique.

Lawyer legislators have undue influence over our judiciary.

We can provide countless other instances under oath, they said in the letter.

Wow, that sentence. I don't think there is enough talk about just how major that is.

Nine of our state's 16 solicitors signed that letter. They had the bravery to sign that letter.

We say bravery because we fully expect there to be backlash and because we all know lawyers rarely speak out publicly against other lawyers like this.

Nine of the 16 people elected to decide whose cases should be prosecuted and who shouldn't are saying that lawyer legislators use this system in which they choose their judges for their own personal gain.

You know, the thing that every lawyer legislator seems to swear isn't the problem.

Remember Dick on the Senate floor right after the murder trial when he and State Senator Chip Campson had what seemed to be like a very intentional exchange about lawyer legislators.

Senator, I just want to make it clear and this is, I have great respect for you and your legal ability. But did Judge Newman rule against your side, your client?

On occasion. I mean, look, it's a six-week process. We'd object, they'd object, he'd rule for us, rule against us.

It's now, are you asking me do I think he made legal errors? Obviously. I mean, we're going to

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appeal. Does that mean I'm right? No.

There's five folks across the street that'll make that decision and then there's, you know, federal court. So the process is working. I think that's what I want to tell you.

Senator, what I wanted to ask you, do you think, because I have an opinion on this and one of the criticisms against the way that we elect and choose judges in South Carolina is that they'll be beholden to legislators.

Once they get on the bench. Do you think that happened to you in this case?

Trust me, okay. I've got a couple big black and blue marks on this rear end of mine. We'll affirm that. Please don't, we'll take your word for that. You don't need to show us. But I just wanted to raise, this is the most high-profile case probably in the history of South Carolina.

And at least in the age of YouTube and Internet, it certainly just grasped the attention of a nation and a world even. But I always often hear this criticism that if the General Assembly elects judges, then they're going to be beholden to lawmakers.

And I just wanted to make that point. That didn't happen to you during this trial.

There may have been a point, I've been doing this almost 50 years. There may have been a point in the distant past where you had one senator per county.

Home rule was typically from their home. And things operated differently back then. There wasn't transparency. There weren't computer records.

And that's evolved so that we're electing a different generation, if you will, than when I started out.

And I don't sense that lawyer legislators, I don't get it. What I will get accommodated on is schedule.

If I need motion scheduled on a Monday or Friday to accommodate me, that's fine.

But I don't go into any courtroom saying I voted for that person. Many of them at my age I knew before they were judges and have a personal relationship with them.

I just don't see that happening now. I'm not telling you that doesn't happen in some remote rural area where it's a different environment than where I practice, although I just spent six weeks in a remote rural area.

But I don't see that. I will tell you this. I've been around the country, I tried cases all over the country over the years. Public election of judges is a disaster.

I had a case in Texas where we argued a motion and the other side, apparently, I just had local counsel contribute a whole bunch of that guy.

He was just beating us up. He got unelected before the ruling came out. We had another judge who our local counsel was friends with or contributed to, and we won.

So, I mean, friendships, one thing, cash is something else, so public elections horrible, in my opinion.

This was March 7th, right out of the gate after the murder trial, and these guys were hoping to use that spotlight to get it on the record that, oh no, no, no, lawyer legislators are not a problem.

This letter from the solicitors has really cornered people, specifically Senator Rankin and Representative Smith, who are lawyer legislators themselves.

But we're still not convinced they'll feel compelled to do anything about it, even though these solicitors are saying, guess what, we have receipts, countless receipts.

Sad to say, but we're sure Senator Rankin and Speaker Smith are currently scrambling to find a non-solution solution to the problem.

One that seems like a fix, but really, it's a diversion.

Simply getting rid of Todd Rutherford is not the solution, and it will make them look even sketchier.

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Think of this like that bowl of Halloween candy that your neighbor puts outside with a sign that says, take one.

Kids have been taking more than one for years.

Todd is just the kid who got caught with his bag full of snickers.

He's just doing what they've all been doing this entire time.

It just so happened his case, the price case, was so obvious and egregious it opened the floodgates for the public and the media to say, hey, how come this guy who helps decide who our judges are also gets these sweet deals for his clients at the risk of public safety?

That doesn't make sense.

You know how the boat crash was ultimately the catalyst that unearthed Ellic Murdoch's secrets?

The price case was the boat crash for South Carolina lawyer legislators.

It forced the media and the public to look at lawyer legislators in our unusual system for electing judges with a critical eye.

And all of the other lawyer legislators who have been using their power to get dirty deals for their clients at the expense of public safety, they do not want this.

That line saying we know Todd isn't the only one and y'all don't want us to keep exposing each of you in the media one by one until something is done because we will.

That line is essentially saying F around and find out because you know what we know and you should be worried.

Obviously, Rankin and Smith's easiest route right now would be to pressure Todd Rutherford to step down from this very powerful position and try to call it a day.

But there are two problems with that.

One, we aren't going to settle for that shortcut.

We being us, our listeners, the public, hopefully the media and the solicitors who signed that letter.

And two, Todd clearly wants something out of this and he's not stepping down without whatever that something is.

He knows what the solicitors know.

There are others.

On Monday after the letter was made public, Todd Rutherford held a press conference at his law firm in Columbia

and was basically like, sorry, not sorry, I'm just really good at my job.

He said the solicitors should at least show where I've done something wrong as if an entire half of that letter wasn't doing just that.

And he threw State Attorney General Allen Wilson under the bus, which we totally saw coming.

Here's David with what Todd said.

In their letter, they quote the Gerard Price case.

However, the Attorney General of this state, Allen Wilson, is arguing that case in front of the South Carolina Supreme Court.

However, the Attorney General of this state, Allen Wilson, in arguing that case in front of the South Carolina Supreme Court was posed a direct question.

Did this have anything to do with the fact I was a lawyer legislator?

His answer was no.

During Allen Wilson's arguments in favor of vacating the Gerard Price order in front of the South

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Carolina Supreme Court in April this past year,
Judge George James, who ended up writing the dissenting opinion for the court in the Gerard Price case,
put Wilson on the spot and we knew it would come back to haunt us all.
More fundamental question, is Mr. Rutherford's status as a lawyer legislator relevant to any legal or procedural defects that you have argued?
I'm not making what he does professionally an issue in this specific case.
Because it seems to me that that has been a driving factor in forums other than one here today.
But he didn't exert any undue influence over Mr. Gibson, did he?
There is no evidence in the record that I've seen that he has as the record I have right now, Your Honor.
But again, the secrecy of this whole thing makes people look at this with great skepticism.
But the lawyer-legislator angle you agree is wholly irrelevant.
But in this court, it's all about the law, Your Honor.
All about the law. I just want to be clear on that. Thank you.
Allen Wilson didn't say no as much as that's not what we're supposed to be talking about here, sir, obviously.
We believe that it was no coincidence or accident that Justice James would want to make sure that question was asked for the record.
We have to wonder if he did that on his own or if the question was suggested by him or by, hmm, I don't know, a lawyer legislator?
Whatever the answer, if that question doesn't show you how entrenched everyone is and how utterly invested they are in keeping the system, the one that works for them, the absolute same, then I don't know what will.
So, like we said, Rutherford isn't having it.
He says he has no intention of backing down and that he will be sitting on the JMSC and screening candidates like he always does.
However, we predict that Todd's departure from the JMSC is basically a foregone conclusion.
We don't see any other option for the legislature.
What are Rep Smith and Senator Rankin going to do?
Respond to the solicitors with cool story, bro, and try to laugh it off?
Actually, that might be a real question. You never know with these guys and what they're actually going to do.
The big question we have, though, is what are they going to do for Todd or what are they going to give Todd to get him to go quietly?
That's the way it works in Columbia, South Carolina.
No one in the statehouse does something for nothing.
On Tuesday, the South Carolina Legislative Black Caucus released a statement in full support of Rutherford.
Here is David.
South Carolina Legislative Black Caucus unequivocally condemns the recent overreaching efforts by a few solicitors to influence and interfere with the legislative branch's role in government.
The baseless allegations published in the letter by these solicitors are a prime example of hypocrisy

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at best and thinly veiled racism at worst.

Despite being elected, these politicians possess neither the oversight nor the authority to make such a request nor demean the character and position of Representative Rutherford.

The SCLBC will not stand idly by while a few politicians attempt to single out the only black lawyer legislator appointed by the House when every legislator appointed to the General Assembly to the Screening Committee is a lawyer legislator.

If these solicitors wish to have a voice in the General Assembly's business, they should follow the proper democratic process and run for the statehouse.

So, do they have a point? Yes, but it's complicated.

When we said Merle and Luke are painted into a corner and we wonder how they'll get Todd to go quietly, we mean go without dragging anyone else into this.

Because our state capitol is a haunted house of monsters.

A full half of Todd Rutherford's life has been lived as a legislator lawyer in that haunted house.

Like we said, he has spent a lifetime in those chambers.

He has seen things, he knows things, and he has watched his white counterparts get away with a lot more than a few secret meetings with some judges to reduce a few guys' prison sentences.

It is very easy to understand why he feels angry about this and why he feels targeted.

Additionally, the legislative black caucus has seen some things too.

We get why they're speaking up in support of Todd.

They have had to fight for every square inch of space they occupy at the statehouse and they have to continue to fight for it every single year.

In May 2003, the state newspaper wrote a centerpiece about racism in the legislature.

Here is David.

Most black legislators say they cannot get their proposals passed or even considered in the General Assembly because of an age-old problem, racism.

They say if they want to get a bill through the legislature, they normally have to take it to a friendly white Republican lawmaker and ask him or her to introduce it.

Black legislators, including Representative Rutherford, told the state that some people, quote, seem not to vote for legislation blacks are involved with.

Rutherford said, quote,

If we have a good idea, we have to find a white Republican to carry the ball for us.

If it is a bill authored by a black legislator, we're laughed at. The bill won't go anywhere.

Our bills are often called silly.

White Republican legislators took issue with this characterization and then House Majority Leader Rick Quinn said, quote,

People aren't going to vote against good ideas by black people.

Which basically seemed to be saying that black people don't have good ideas in the legislature, by the way.

Rick Quinn later had to resign from the House in 2017 because he pleaded guilty to one charge of misconduct in office for his role in a pay-to-play scheme.

If you ever want to go down the rabbit hole on the Quindum investigation, just know that it ends with Judge Carmen Mullen going against the sentencing recommendation in giving Rick Quinn one year suspended.

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Somewhere out there, Judge Mullen is like, ah, the good old days. Anyway, the point here is we get it and we know things really haven't changed that much. Plus, we've been noticing something for quite a while in South Carolina, at least anecdotally. When it's time for a reckoning, that reckoning seems more often than not to come hard for women and minorities before it does the good old boys, if it comes for the good old boys at all. So we're very sensitive to the idea of the sacrificial minority. We were even worried that Judge Mullen would be used in this way at one point. Little did we know then that years would pass with nothing happening to her. At any rate, Representative Rutherford himself definitely sees race as playing a role in the call for his dismissal from the JMSC. Race is absolutely an important factor when it comes to the JMSC. Having black men and women at the table where these decisions get made is crucial. Having diversity on the bench is highly important, especially in a state in which black men are disproportionately imprisoned. I think Todd Rutherford's history in the legislature shows that he takes his role as a black representative on the JMSC seriously. He is currently one of three black members on the commission, which is made up of ten members total. He is also one of two black lawyer legislators and one of six total legislators on the commission, all of whom are lawyers, all of whom also need to go. So yes, Todd's entire career has been spent fighting for a seat at the power table and fighting for not just more equal representation on the bench, but for rehabilitative services to prevent people from turning to a life of crime in the first place. And we commend that. But while all that is true, he's also picked some strange battles to fight over the years, including sponsoring a bill in which students could be punished for not referring to a teacher as sir or ma'am, fighting legislation that allowed DUI cases to include testimony about accuracy of sobriety tests and fighting an overhaul to domestic violence laws to make them more punitive to the abuser. He's not always been on the right side of history and he's also been called out before for seeming to serve his own interests as a criminal defense attorney over the interests of public safety. Now he's here. Earlier this month, the Post and Courier wrote an editorial calling Representative Rutherford the quote poster child for removing the legislative chokehold on our judiciary. In other words, we can't say he hasn't earned his moment. He isn't the problem, but he is coming by this letter from solicitors. Honestly, he fully deserves to be called out. He can be black in a racist environment while also being guilty of exploiting his power for personal gain. Those two things can exist at the same time. So now I want to talk quickly about who signed this letter and who didn't sign it. From what we've been told, all the solicitors are allegedly supportive of the letter, but some wouldn't sign it out of fear of creating a black ball situation for prosecutors in their offices who might be

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seeking judgeships.

Some say they never lend their name to group letters and one had a different reason.

Solicitor Duffy Stone of the 14th Circuit Solicitor's Office.

Duffy, who was heir to Randolph Murdoch's throne and who refused to recuse his office from the murder case, even though sources behind the scene said his presence in the case was a nuisance. Duffy, who allowed Elec to continue carrying his badges and represent himself as a prosecutor with his office after Duffy not only knew Elec was considered a primary suspect, but that sled had evidence pointing to this.

Duffy, through an email response to a question posed to his office by reporter Beth Brayden over the phone, didn't sign the letter because, quote, the Special Committee Judicial Reform has asked the SC Commission on Prosecution Coordination to weigh in on judicial reform.

This was done prior to yesterday's solicitor's letter.

As chairman of the commission, I had already made plans to address the Special Committee on Judicial Reform.

If my trial schedule allows, I will do that on November 14th.

We're not sure how that would preclude him from signing the letter if he agrees with the sentiments expressed therein, but okay.

We're also not sure what Duffy's trial schedule means.

The 14th has been horribly backlogged.

In 2021, Duffy told the public he was six and a half years behind on cases because of COVID.

Beth made several phone calls to clerks of court in the 14th and no one seems to have any idea of what the schedule looks like for next month.

That's not unusual because prosecutors have a very fluid job and circumstances change rapidly.

This is all just to say LOL to Duffy's if his trial schedule allows it.

We're so sorry to interrupt you with this major issue that your colleagues were brave enough to openly weigh in on.

Anyway, the seven solicitors who didn't sign the letter other than Duffy are Second Circuit Solicitor Bill Weeks.

You know, the guy who manages Bowen Turner prosecutor David Miller, who is buying for a judgeship again.

David Miller is also who made a motion to get one of Todd Rutherford's clients a shorter sentence.

He admittedly made that motion without knowing the details of the substantial assistance that

Alberto Romero Lopez allegedly provided to the South Carolina Department of Corrections.

Whatever that assistance was, we do know that the correctional officer who was fired and charged with giving a prisoner contraband had the charges against her dropped.

Oh, and Miller told the state newspaper that he, quote, assumed the victims had been notified in the case.

You know what they say about people who assume things, right?

Another solicitor who didn't sign the letter is Byron E. Gibson of the Fifth Circuit.

You know Byron. He's a good friend of Todd Rutherford, or at least he was. I don't know what his status is now.

You might remember him as the solicitor who made the oral motion to release Gerard Price and who

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participated in that entire secretive process.

The others are Randy Newman of the Sixth Circuit, Barry Barnett of the Seventh Circuit, Walter Wilkins of the Thirteenth Circuit, and Jimmy Richardson of the Fifteenth Circuit.

Feel free to call any and all of these men to ask them why they didn't sign the letter. Do they disagree that this is a problem? What are they scared of?

Going back to the South Carolina Legislative Black Caucus' defense of Representative Rutherford, there's one more thing we want to talk about.

Their assertion and Todd's assertion that he didn't do anything wrong here, because as far as we know, they're right about that.

We don't know of any evidence that points to Todd doing something specifically illegal or unethical to get those sentencing reductions.

The gatekeepers on this were the prosecutors, Byron Gibson and David Miller for instance, and the judges, both Judge Casey Manning and Judge Courtney Clyburn Pope.

Those are the people who had a duty to protect the public's interest and do things by the book. And we will be right back.

Journalist Tristan Redman, the host of the new podcast Ghost Story, goes where no son-in-law should ever go, deep into his wife's family history to dig up the cold case of her murdered great-grandmother.

Oh, and did I mention that he's looking into whether the murderer was actually the beloved patriarch of the family?

This all started with a ghost. Yes, a ghost.

Growing up, weird things would happen in Tristan's room. He shrugged them off until he discovered that every occupant since said they'd experience inexplicable things too, including one resident who says she was visited by the ghost of a faceless woman.

How's this all connected? It so happens that right next door to Tristan's old house, his wife's great-grandmother, was murdered by two gunshots to the face.

Ghost Story is a podcast about family secrets, overwhelming coincidence, and the things that come back to haunt us.

Follow Ghost Story on the Wondery app or wherever you get your podcast.

You can bend all episodes of Ghost Story ad-free right now by joining Wondery Plus.

As I get prepared for a lot of in-person events and on-camera interviews for the release of my new book, Blood on their Hands, Acne can get in the way of feeling confident in my skin.

And that's why we're excited to partner with Apostrophe, a sponsor of this episode.

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To get started, just go to apostrophe.com slash Mandy and click Get Started. Then use our code Mandy at sign up and you'll get your first visit for only \$5. So, there needs to be a full investigation into the why of this. Why did David Miller agree to do this? Why did Byron Gibson? How about Judge Manning? And what about Judge Clyburn Pope? Now, we have to note this one thing. We looked up all of the opinions that Rutherford, in his capacity as a legislator, has sought from the Attorney General's office. There are several, which means he knows that is a resource available to him. And it's not clear whether every opinion he sought was even related to his job as a legislator. Frankly, some seem like they could have been related to case law he was exploring for professional purposes. But who can say? What we can say is this. Todd Rutherford, the legislator attorney, never sought the AG's opinion on whether the untested substantial assistance law applied to a murderer's sentence. He could have done that. He didn't. Instead, he just asked for what he wanted and he was granted it several times by several players. The thing is, most defense attorneys wouldn't even bother trying to get their clients out of prison based on flimsy evidence that they provided substantial assistance worthy of release. The chances of winning would be too low and the risk of pissing off the judge would be way too high. Also, most prisoners couldn't afford an attorney to take a chance like that and make that move to get an early release with such little chance of success. What does that say about our system that Todd Rutherford was able to do this easily? At least twice without getting any guff until the media found out. Now, a legislator lawyer cannot un-be a legislator in the moments they are being an attorney. It is always there. Especially when those legislator lawyers are 60% of the commission for all intents and purposes determines who gets a gavel. Again, we won't know if Todd did anything outwardly wrong besides getting away with skirting around protocol which should have been on the solicitor and judge to catch him. We will not know until there is a full investigation into the how and why in the Lopez and Price cases. What motivated these elected officials to want to do this for Todd's clients? Why would a solicitor or a judge want early releases for violent offenders? And remember, there doesn't have to be this tangible quid pro quo aspect to it. The mere fact that it was the Todd Rutherford matters here. The Todd Rutherford, who gleefully fanboyed over Elik Murdoch the murderer on camera. It's hard to articulate a power that silently exists in its own implication.

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Elik Murdoch had this kind of power.
He didn't have to say, do this or else.
The or else was implied and sometimes so was the do this as it is with lawyer legislators.
Whether or not that is their intended outcome.
Whether or not Todd Rutherford sees himself as having any special clout or pole in the courtroom.
So, what do we say about this mess?
The only solution we see right now is that the JMISC needs to be free of all legislator attorneys.
Not just Todd Rutherford.
To make him step down and not the others does not solve the problem.
Todd Rutherford is not the problem.
He is a problem.
We know this solution will just shift the power sideways and that it won't preclude legislator attorneys from whispering in the commission's ears in other ways.
But for now, it's the obvious fix.
The state of South Carolina cannot keep having the same conversation over and over again.
The public doesn't trust lawyers right now.
The public doesn't trust its lawmakers right now.
The public doesn't trust the justice system right now.
And why would they?
We've had more than 100 episodes about the messes these guys have made of our system.
And we probably will have several more before anything is done.
But the good news is that pressure is building and it is not going away anytime soon.
The solicitors have their boots on the necks of lawyer lawmakers right now and I don't see them letting up until something big happens.
They were clear in that letter.
We know a lot more than we are saying right now.
So you all better do something before your name ends up in headlines next to Todd and it won't be the way you want it.
However, I have hope right now.
Like I had hope that Corey Fleming was finally talking to law enforcement after his hefty state sentence.
I have hope that this pressure we are seeing right now is going to lead to big change and maybe even accountability.
You've got to have that infinite hope, as Justin Bamberg always says.
Because what else is there?
Stay tuned, stay pesky, and stay in the sunlight.
Thank you.
I'm produced by my husband, David Moses.
True sunlight is a Luna shark production.