

caution, in order to avoid delays, and prevent any obstructions to the administration of justice. As was said by the late Chief Justice Simpson in the case of State v. David, 14 S.C. 428, 432 (1881), “There can be no doubt that motions of this sort should be received with the utmost caution, because, as it is said by a learned judge, there are but few cases tried in which something new may not be hunted up, and also because it tends to perjury; and as was said in the case of State v. Harding, 2 S.C.L. 267, 268 (S.C. Const. App. 1800), it would have a mischievous tendency after all the evidence on the part of the state had been fully disclosed, to allow one with his life in danger, an opportunity, by the assistance of confederates, to procure unprincipled witnesses to contradict the evidence on the part of the state, and thereby defeat the ends of justice”

Rhodes, 44 S.C. at 327, 21 S.E. 807.

A motion for a new trial based on after discovered evidence of juror concealment or misconduct is also disfavored and carefully scrutinized; and, affidavits attacking the integrity of a juror should be received with caution, deliberation, and circumspection. State v. Kennedy, 177 S.C. 195, 207, 181, S.E.35, 40 (1935).

*As the Court of Appeals found, the Rule 29(b) Motion is untimely and even under a merits review by this Court under the appropriate standard there is no merit to the Rule 29(b) Motion*

Here, as Judge Hyman noted, Ward raised this claim in a Rule 29(b), SCRCrimP Motion for a New Trial based on after-discovered evidence filed in the Court of General Sessions. When a Rule 29(b), SCRCrimP motion is filed in General Sessions the timing provisions of Rule 29(b) apply. Rule 29(b), SCRCrimP. See State v. Woods, 345 S.C. 583, 587-89, 550 S.E.2d 282, 284 (2001). Here, in the present case, the motion was clearly untimely, **a decade after trial**.

This Court should affirm the Court of Appeals because the Court of Appeals only found below that the motion was untimely under Rule 29(b), SCRCrimP, which is correct. State v. Ward, 2021-UP-184 (Ct. App. May 19, 2021)(Unpublished). The Court of Appeals did not find or even