

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
The State of South Carolina )  
-vs- )  
Genari McNeil )  
Defendant. )

IN THE COURT OF GENERAL SESSIONS  
FIFTH JUDICIAL CIRCUIT

**ORDER DENYING DEFENDANT’S MOTION  
FOR A NEW TRIAL**

Indictment No(s): 2019-GS-40-06963-67

**RECEIVED**  
**Apr 14 2023**  
**SC Court of Appeals**

IT APPEARS THAT on April 3, 2023, Genari McNeil, by and through his attorney, Tivis Sutherland, filed a Motion for a New Trial pursuant to Rule 29(b). At the conclusion of the trial of his case, Genari McNeil was convicted of two counts of Murder, Armed Robbery, Burglary in the First Degree, and Possession of a Weapon During a Violent Crime, found guilty by a jury in Richland County, on March 22, 2023. The State was represented by Senior Assistant Solicitor Dale Scott and Assistant Solicitor Nicolas Fowler.

IT FURTHER APPEARS THAT in support of his Motion for a New Trial, Defendant Genari McNeil, by and through his attorney, asserts the following grounds for a new trial, which will be addressed in turn.

**I. Admission of Gruesome Photographs**

The Defense has moved for a new trial in part on the grounds of the Court’s admission of photographs of the crime scene, including State’s Exhibits 46 and 57. These photographs showed one of the victims, Mary Carmichael, deceased. The Defense asserts that the State could have established the facts of the crime scene through competent testimony and diagrams, and for that reason the probative value of the photographs was diminished. Regarding the admissibility of this evidence and the State’s use of such evidence during the presentation of its case, this Court has

1 *Not 10/2*

ruled upon these issues; therefore, the Defendant's Motion for a New Trial on these grounds is **denied.**

**II. Lack of Foundation for Admission of Hospital Video**

Next, the Defense raises the concern in its Motion that the State utilized a hospital video, the admission of which was objected to by the Defense. That objection was overruled by this Court. The video depicted the Defendant's clothing while present at the hospital. The State argued that the Defendant's pants in the video matched the Ring camera footage also entered into evidence during this trial. The admissibility of this evidence was ruled upon by this Court at the time this objection was raised. Therefore, the Defendant's Motion for a New Trial on these grounds is **denied.**

**CONCLUSION**

IT APPEARS THAT upon careful consideration of the oral arguments made by Counsel, as well as the aforementioned filings, the Court has determined that the Defendant's Motion for a New Trial pursuant to Rule 29(b) is denied.

IT IS THEREFORE ORDERED that the Defendant's Motion for a New Trial is now and hereby **DENIED.**

**AND IT IS SO ORDERED.**



---

The Honorable Robert E. Hood  
Presiding Judge  
Fifth Judicial Circuit

Columbia, South Carolina  
This 4<sup>th</sup> day of April, 2023.