

STATE OF SOUTH CAROLINA
COUNTY OF ALLENDALE

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

MARCUS RILEY

CASE NO.: 2020-CP-03-00176

Plaintiff,

vs.

DOROTHY RILEY, INDIVIDUALLY AND
DOROTHY RILEY, in her role as Personal
Representative of The Estate of Marion F.
Riley, Jr.

**ORDER GRANTING DEFENDANT'S
MOTION FOR NEW TRIAL ABSOLUTE**

Defendants.

THIS MATTER came before the Court and was tried to a jury verdict on October 31, 2022. The verdict of the jury was for the Plaintiff. On November 3, 2023 Defendant, Dorothy Riley, in her role as Personal Representative of the Estate of Marion F. Riley, Jr., by counsel, moved this Court for a New Trial Absolute Pursuant to SCRCP 59(a). A subsequent Motion to Alter or Amend Judgment Pursuant to SCRCP Rule 59(e) was filed by Defendant on November 11, 2023. Plaintiff submitted a memorandum opposing Defendant's Motions on July 5, 2023.

Defendant's Motion for a new trial asserts that there was not clear and convincing evidence that the October 1998 power of attorney was a forgery, and that "the plaintiff failed to prove by a preponderance of the evidence that he did not have a reasonable basis to know of the suspected forgery three years before the filing of this action."

Under South Carolina's thirteenth juror doctrine, a trial judge may sit as the thirteenth juror and find that the evidence does not support the verdict, and then grant a new trial based solely upon the facts. Norton v. Norfolk S. Ry. Co., 350 S.C. 473, 567 S.E.2d 851 (2002)

Upon due consideration of all submissions made, this Court finds that the evidence

presented in this case does not justify the verdict.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

Defendant's Motion for a new trial absolute is GRANTED.

Brooks Goldsmith
Circuit Court Judge, Active Retired

[JUDGE'S E-SIGNATURE PAGE FOLLOWS]



Allendale Common Pleas

Case Caption: Marcus Riley VS Dorothy S Riley , defendant, et al

Case Number: 2020CP0300176

Type: Order/Other

It is so Ordered

Brooks P. Goldsmith, Circuit Court Judge