

Mar 28 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

2024 MAR 11 PM 1:36

The State of South Carolina

vs.

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

Melanie Cromer McClain,

Defendant.

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

Indictment No.: 2021A3910101160

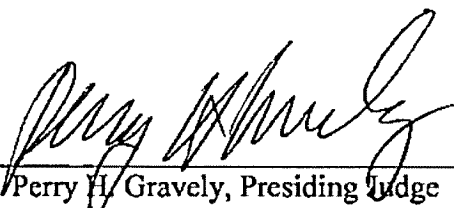
**ORDER DENYING DEFENDANT'S
MOTION FOR A NEW TRIAL**

This matter comes before the Court upon the Defendant's Motion for a New Trial filed on February 16, 2024. The Defendant is represented by Max Gravlee and William Hellams of the 13th Circuit Public Defender's Office. The case came on for a jury trial the week of February 5, 2024, and the jury returned a guilty verdict on February 7, 2024. The Defendant now moves for a new trial on based on the Court's ruling relating to third-party guilt and the admissibility of certain evidence and restricting the argument by Defendant's counsel. The Defendant claims the ruling prevented Defense counsel from presenting a meaningful defense. The Court finds that a hearing on these issues is not necessary and Defendant's Motion is denied.

It is well settled that the grant or refusal of a new trial is within the sound discretion of the trial judge. *State v. Simmons*, 279 S.C. 165, 303 S.E.2d 857 (1983). "Where there is no evidence to support a conviction, an order granting a new trial should be upheld." *State v. Smith*, 316 S.C. 53, 55, 447 S.E.2d 175, 176 (1993) (citation omitted). "However, where there is competent evidence to sustain the jury's verdict, the judge may not substitute his judgment for that of the jury." *State v. Prince*, 316 S.C. 57, 63, 447 S.E.2d 177, 181 (1993) (citation omitted). Based on this standard, the Court stands by its previous rulings and finds that there was sufficient competent evidence to support the conviction by the jury. Therefore, the Court denies Defendant's Motion for a New Trial.



It is so Ordered.



Perry H. Gravely, Presiding Judge
Thirteenth Judicial Circuit

March 6, 2024

Pickens, South Carolina