

1001
7672
7671
766

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

The State of South Carolina,

Indictment No(s): 2022-GS-23-001373
through -1376; and 2023-GS-23-006566
through -6574A

vs.

RECEIVED

James Brown,

MAR 21 2024

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

Defendant.

SC Court of Appeals

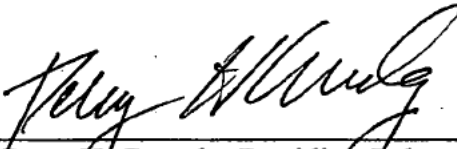
24 MAR 8 PM 3:20
Grice Garrett COC GUIL SC

This matter comes before the Court upon the Defendant's Motion for a New Trial filed on February 12, 2024. The Defendant is represented by Paul Neely and Anastasia Walker of the 13th Circuit Public Defender's Office and the State is represented by Seth Johnson and Britni McCall. The case came on for a jury trial the week of January 29, 2024, and the jury returned a guilty verdict on February 2, 2024. The Defendant now moves for a new trial on several grounds. Specifically, the Defendant contests the Court's rulings on various pre-trial Motions and Motions asserted during the trial, the explanation of the Verdict Form to the jury, and the length of the jury's deliberation time. The Court finds that a hearing is not necessary to address the Defendant's Motion.

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 evidence to support the Jury's verdict and the issues raised by Defendant do not warrant a new trial. Therefore, Defendant's Motion for a New Trial is hereby denied.

It is so Ordered.

March 6, 2024
Greenville, South Carolina



Perry H. Gravely, Presiding Judge
Thirteenth Judicial Circuit