

# The South Carolina Court of Appeals

The State, Respondent,

v.

Marc Yasin Mckeiver, Appellant.

Appellate Case No. 2022-000324

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## ORDER

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On June 6, 2025, Appellant filed a motion to hold the appeal in abeyance and remand for a hearing on a motion for a new trial based on after-discovered evidence. Respondent filed a return, opposing the motion. Appellant did not file a reply but filed an additional affidavit of Appellant. After careful consideration, Appellant's motion to hold the appeal in abeyance and remand for a hearing on a motion for a new trial based on after-discovered evidence is denied. *See State v. Prince*, 316 S.C. 57, 69, 447 S.E.2d 177, 184 (1993) ("In order to obtain leave to seek a new trial based upon after-discovered evidence, an appellant must make a *prima facie* showing before this Court of the following elements: '(1) the evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by the exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching.'" (quoting *State v. Ford*, 301 S.C. 485, 392 S.E.2d 781 (1990))).



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jul 23 2025**

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cc:

Alan McCrory Wilson, Esquire

Dayne C. Phillips, Esquire

Mark Reynolds Farthing, Esquire

William Benjamin Rogers, Jr., Esquire