

M055 869, M055 870,
M055 872, M055 850,
M055 851

DEATH PENALTY CASE

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

RECEIVED

NOV 08 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA,)
)
Plaintiff,)
)
v.)
)
EARNEST S. DAISE,)
)
Defendant.)
_____)

Ind. No.s: 2009-GS-07-2636, 2637, ~~2638~~,
2639, 2009-GS-07-2594, 2009-GS-07-2595

2013 NOV -6 AM 11:54
JENNIFER ROSENBAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

**ORDER DENYING DEFENDANT'S RULE 29(a), SCRCrimP
MOTION FOR NEW TRIAL**

Defendant Earnest S. Daise, by and through his counsel, William S. McGuire, and Micah Leddy, timely submitted his Motion for New Trial on October 30, 2013 seeking relief from the Defendant's conviction of Murder on October 17, 2013 and from the jury's recommendation of a Life Without the Possibility of Parole sentence on October 23, 2013, entered by the Beaufort County Clerk of Court, pursuant to Rule 29(a) of the South Carolina Rules of Criminal Procedure.

In his motion, the Defendant asserts several grounds for a new trial and for a new sentencing proceeding. After careful consideration of the able argument and filings of Counsel and review of the record, the Court finds that the conviction and recommendation of a Life Without the Possibility of Parole entered are supported by the record. Moreover, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Plaintiff's Motion, pursuant to Rule 29(a), SCRCrimP¹, is DENIED.

¹ The Court, in its discretion, has determined this Motion on the filings, without oral argument, pursuant to Rule 29(a), SCRCrimP.

IT IS SO ORDERED.

Dated this 4 day of Nov., 2013.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a smaller 'M' and a flourish.

The Honorable Carmen Mullen
Circuit Court Judge