

STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable William H Seals, Circuit Court Judge

Case No. 2021-CP-26-01324

Richard Hanson, Design by Hanson t.....Respondants

V.

Rhonda Merritt.....Appellant

APPELLATES' MOTION FOR MISTRIAL

Did the judge err in denying the appellate's motion for a mistrial, a mistrial can be declared on a motion of either party, A mistrial is for righting a wrong, a motion made before the end of a trial that is shown to contain misconduct, mistake, prejudice, or fraud. The defendant has a legal standing to make a motion for mistrial for the following causes:

- Lack of court jurisdiction over the subject
- Error in, or unfair, jury selection

- Inadmissible evidence being allowed, or presented in opening or closing remarks
 - Unfair comments made within the jury's hearing
 - A deadlocked, or "hung" jury (one of the most common reasons for a mistrial)
 - Death or long-term illness of a judge, attorney, juror, or even witness
 - Misconduct by an attorney, or the jury
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This is a jury trial whereby the defendant claims a mistrial must be rendered due to the misconduct of the prosecuting attorney.

In accordance with the law if the jury hearing a case could have been tainted by unfair comments made within the jury's hearing, the law states that a mistrial must be entered into record, the jury in this matter has been tainted or prejudiced by the political attack by the prosecuting attorney upon the appellate.

Politics had no relevance in this hearing and was objected to by the appellate and the Judge allowed the political attack to continue.

The prosecuting attorney attacked the defendant in the presence of the jury in regards to the appellate's political beliefs, despite the defendant's objection of relevance. The prosecuting attorney was allowed to continue referring to the defendant as a tenfoil hat wearing Trump supporter and continued his attack on defendant's political views and beliefs for several minutes, the appellate suggest this is just cause to conclude that the jury was highly likely persuaded by such rhetoric, a political attack in a highly divisive political atmosphere. This conduct by the prosecuting attorney must not be tolerated in the court of law.

The defendant in this matter offers the following in support of this motion for a mistrial:

Argument Against Allowing Political Attacks

1. Threat to Judicial Integrity and Fairness

Allowing political attacks on a defendant by an attorney undermines the integrity of the judicial process. The courtroom is meant to be a forum for the impartial adjudication of facts and law, not a stage for political theater or character assassination. Political attacks risk prejudicing the jury, distracting from the legal merits of the case, and eroding public confidence in the impartiality of the courts³.

2. Risk of Intimidation and Chilling Effect

Political attacks can have a chilling effect on participants in the trial, including witnesses, jurors, and even court staff. As seen in recent cases, inflammatory or politically charged rhetoric has led to increased threats against judges, jurors, and their families, necessitating additional security and potentially deterring individuals from fulfilling their civic duties¹²⁷. This environment of intimidation is antithetical to the ideals of due process and equal protection under the law.

3. Professional Conduct Rules and Ethical Boundaries

Attorneys are bound by codes of professional conduct, such as the ABA Model Rules of Professional Conduct, which restrict lawyers from making false, reckless, or inflammatory statements about parties, witnesses, or the judiciary⁴. These rules exist to maintain decorum and ensure that legal arguments are based on evidence and law, not on political posturing or personal attacks.

“Lawyers do not have an unlimited right to make false or reckless personal attacks... Such attacks are proscribed by various provisions of the ABA Model Code of Professional Responsibility and its successor, the ABA Model Rules of Professional Conduct, as well as by case law.”⁴

4. Precedents for Judicial Intervention

Judges have both the authority and the responsibility to curtail conduct that threatens the fairness or orderliness of proceedings. In high-profile cases, judges have issued gag orders or reprimanded parties for making public or in-court political attacks that could jeopardize the proceedings or the safety of participants¹⁵⁸. These interventions are not about suppressing legitimate advocacy, but about protecting the integrity and safety of the process.

5. Protection of Constitutional Rights

While the First Amendment protects political speech, these rights are not absolute within the context of a trial. The Supreme Court has recognized that certain restrictions are permissible to

ensure a fair trial and the proper administration of justice⁷. The courtroom is a unique environment where the rights of the defendant to a fair trial must be balanced against free

Conclusion

The prosecuting attorney's argument that the motion was untimely is mute, due to the fact that the case had not ended at the time of the motion. A judge should not allow political attacks on a defendant by an attorney during a trial. Such attacks threaten the fairness, safety, and integrity of the proceedings, violate professional conduct rules, and undermine public trust in the judicial system. While robust advocacy is essential, it must remain within the boundaries of law and ethics to ensure justice is served.

Respectfully submitted on this 3rd day of December 2025 by appellate
Rhonda Merritt defendant/appellate
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