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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Marlon Kimpson, Circuit Court Judge

Appellate Case No.: 2025-001564

Troyce Mack ....Appellant,

v.

Gregory Parker, As Special Administrator of the Estate of David Joseph Rudd,
and Delta Plumbing, LLC, ...Respondents.

AMENDED INITIAL BRIEF OF RESPONDENTS

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STATEMENT OF ISSUES ON APPEAL

I. Whether the trial court erred in allowing limited testimony and argument regarding Appellant Mack's traffic citation where Appellant himself referenced the ticket during trial, therefore opening the door to impeachment.

II. Whether the trial court abused its discretion in allowing Respondents' expert to use a corrected demonstrative exhibit during trial where the revision was minor and non-prejudicial.

III. Whether the trial court abused its discretion in denying Appellant's Motion for New Trial Absolute where the jury's verdict was supported by the evidence and does not shock the conscience.

STATEMENT OF THE CASE

This case arises from a motor vehicle collision that occurred during the early morning hours of October 19, 2018, on Highway 378 in Richland County, South Carolina. At the time of the incident, Appellant, Troyce Mack ("Mack" or "Appellant"), was traveling to work when he collided with a vehicle operated by David Rudd ("Rudd"), who had stopped his truck in the roadway after striking a deer. Rudd was employed by Respondent Delta Plumbing, LLC ("Delta Plumbing") at the time of the accident.

Mack filed suit alleging negligence and negligence per se against Rudd and Delta Plumbing. Following Rudd's death, a Special Administrator was substituted as the proper party defendant. (Third Am. Compl.). The case was tried before a jury in the Court of Common Pleas for Richland County from March 11–13, 2025**.**

Prior to trial, Mack filed a Motion in Limine to exclude any evidence or reference to his traffic ticket and resulting conviction for driving too fast for conditions, citing S.C. Code Ann. § 56-5-6160. The trial court denied the motion in part, allowing limited use of the traffic citation solely for impeachment purposes under *Addyman v. Specialties of Greenville, Inc.*, 273 S.C. 342, 257 S.E.2d 149 (1979). During trial, Mack's counsel referenced the ticket during opening

statement and direct examination, and on cross-examination, Mack was questioned about paying the citation despite denying fault. Mack's counsel specifically referenced the type of citation and that Mack disagreed with the ticket, stating, "…while Troyce is laying in a hospital bed…a trooper comes in and hands him a ticket for driving too fast for conditions…Troyce doesn't think that he was speeding. (Tr. pp. 104-105). During Mack's direct examination, Mack's counsel asked the following questions:

Q: He still give you a ticket, right?

A: He did. He gave me a ticket.

Q: Do you think you were driving too fast for conditions?

A: I don't think I was driving too fast for conditions. I was driving close to the speed limit.

(Tr. pp. 132).

Mack's counsel further questioned Mack on the disposition of the ticket on direct, before Respondents' counsel ever mentioned the citation,

Q: And earlier you testified that you did receive a ticket, right?

A: Yeah, I did receive a ticket. Yes.

Q: All right. And what did you do with the ticket?

A: I paid the ticket. I paid the fine.

(Tr. pp. 150).

Mack's disposition of the ticket was not "Forfeiture" or "No Contest/Nolo Contendere," it was "Pled Guilty" on the public index, disposed on November 15, 2018 for the charge of "Driving vehicle at greater speed than is reasonable under conditions" (Case No. 20182350631650).

On cross-examination, Mack reiterated that he did not believe he was traveling too fast for conditions and when asked if he pled guilty to the ticket, he indicated, "No, sir, I didn't plead

guilty. I just paid the ticket." (Tr. pp. 157-158). At no time did defense counsel state that Mack pled guilty to the citation or attempted to put the citation disposition document into evidence, only that he paid the ticket as previously admitted by Mack's counsel. The closest defense counsel ever came was in closing statements, which included, "Or would a more believable explanation be that he was either distracted or traveling too fast for conditions, which he pled to – well, paid the ticket for." (Tr. pp. 445). However, as indicated in the testimony, this was a momentary reference and counsel quickly corrected himself, no other reference to a guilty plea was made.

The trial court issued a curative instruction during deliberations, clarifying that the jury could not consider the citation as substantive evidence of negligence but only as to witness credibility. (Tr. pp. 530-531).

Respondents also presented the testimony of an accident reconstruction expert, Kendrick E. Richardson, M.S., P.E. ("Richardson"), who relied primarily on police dash-cam footage jointly introduced by both parties to explain his calculations regarding the vehicles' speed and positioning. During his testimony, the expert used a corrected computer-aided design (CAD) as a demonstrative aid to show the approximate footage between the 45-mph traffic control sign and the accident site. The revised CAD had been corrected to fix minor measurement inaccuracies previously identified during deposition. The trial court allowed its use after granting Mack a brief review period and found that the CAD was to be used only for limited illustrative purposes. (Tr., pp. 312 - 313). Despite Appellant's assertion that Richardson changed his calculations from Appellant's skid marks from 68 feet to 108.4 feet mid-trial, this was addressed at Richardson's deposition. Further, during the deposition Mack's counsel asked a line of questions relating to the inconsistency between his CAD drawing showing three dash lines in the roadway when the police dash cam

video indicated there was four. Richardson then revised his opinion. A copy of the transcript of Richardson may be made available to the Court upon request.

This testimony was available to Mack's counsel and their expert two years prior to trial, rendering Appellant's assertion that Respondents "failed to disclose this updated measurement to Mack's counsel until moments before testifying" materially false. Further, at trial, Richardson's testimony indicated that Mack was traveling at a lower speed than originally testified and calculated at his deposition. (Tr. pp. 352, Richardson Deposition available upon request). This is a lower, more favorable speed to Mack than was Richardson's testimony at his deposition.

Mack and his wife testified regarding his injuries, including a fractured clavicle, temporary pain and discomfort, and residual disfigurement. Respondents' cross-examination established that Mack received limited medical treatment, was discharged the same day as the accident, and resumed many normal activities shortly thereafter, including air travel with family and recreational activities like hiking, rollerskating, and paintball. (Tr., pp. 170-172, 226). Mack presented no medical testimony to corroborate any alleged permanent impairment or ongoing pain. On cross examination, Mack admitted that he went on a vacation to New York in December 2018, approximately two months after the accident, during the time he was out of work due to his injuries. (Tr. pp. 169-170). Mack denied any permanent bodily limitations as a result of the injury. (Tr. pp. 171). Mack also admitted to not finishing his recommended course of physical therapy after the incident. (Tr. pp. 170-171).

The jury returned a verdict in favor of Mack in the amount of $16,545.34, found Mack 50% comparatively negligent, and awarded $0.00 for non-economic damages, including pain and suffering among others. (Verdict; Tr. pp. 532-533). This included a computation of medical expenses of $9,220.54, alteration of lifestyle of $1,740.00, and lost wages of $5,584.80.

Mack filed a Motion for New Trial Absolute on March 21, 2025, asserting error in the admission of his traffic conviction, the updated demonstrative, and the jury's damages award. (Motion for New Trial). The trial court denied the motion by order dated July 7, 2025, finding no error and concluding that the verdict was supported by the evidence and free from prejudice.

This appeal followed.

STANDARD OF REVIEW

"The admission of evidence is within the [circuit] court's discretion." *R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth.*, 343 S.C. 424, 439, 540 S.E.2d 113, 121 (Ct. App. 2000). "The [circuit] court's ruling to admit or exclude evidence will only be reversed if it constitutes an abuse of discretion amounting to an error of law." *Id.* "To warrant reversal based on the admission or exclusion of evidence, the appellant must prove both the error of the ruling and the resulting prejudice, i.e., that there is a reasonable probability the jury's verdict was influenced by the challenged evidence or the lack thereof." *Fields v. Reg'l Med. Ctr. Orangeburg*, 363 S.C. 19, 26, 609 S.E.2d 506, 509 (2005).

In an action at law tried by a jury, a reversal of the jury's verdict can only result when the only reasonable inference from the evidence is contrary to the factual findings implicit in the verdict. *Willis v. Floyd Bruce Co., Inc.*, 279 S.C. 458, 309 S.E. (2d) 295 (S.C. App. 1983). A jury verdict should be upheld when it is possible to do so and carry into effect the jury's clear intention. *Johnson v. Parker*, 279 S.C. 132, 303 S.E.2d 95 (1983).

"A fundamental principle of appellate procedure is that a challenged decision must be both erroneous and prejudicial to warrant reversal." *In re Gonzalez*, 409 S.C. 621, 636, 763 S.E.2d 210, 217 (2014). "Whether an error is harmless depends on the circumstances of the particular case. No definite rule of law governs this finding; rather, the materiality and prejudicial character of the

error must be determined from its relationship to the entire case." *In re Care & Treatment of Harvey*, 355 S.C. 53, 62-63, 584 S.E.2d 893, 897 (2003) (quoting *State v. Mitchell*, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985)).

ARGUMENT

Appellant's arguments fail for the following reasons:

1. Appellant's trial counsel opened the door in opening statements and her direct examination of the Appellant as to the citation and its disposition, and even so, no evidence of the actual guilty plea of the Appellant was entered into evidence, only testimony relating to payment of the ticket.

2. Appellant's updated CAD, used solely for demonstrative purposes, reflected the corrected testimony of Richardson's deposition, which was available to Appellant over two years prior to the trial. Any minor changes in Richardson's testimony resulted in a lower calculation of speed of Appellant at trial, and thus any error, if any, is harmless.

3. There is no evidence or basis that the verdict was shockingly disproportionate to the injuries allegedly suffered by the Appellant.

I. THE TRIAL COURT DID NOT ERR IN ALLOWING LIMITED TESTIMONY AND ARGUMENT REGARDING APPELLANT'S TRAFFIC CITATION BECAUSE APPELLANT REFERENCED THE TICKET DURING THE TRIAL WHICH OPENED THE DOOR TO IMPEACHMENT. IF THE TRIAL COURT DID ERR, THE ERROR WAS HARMLESS.

Appellant argues that the trial court committed reversible error by allowing the jury to hear evidence and argument about his traffic ticket and resulting conviction for "driving too fast for conditions," which he claims are absolutely barred in any civil action under S.C. Code Ann. § 56-5-6160. He contends that the repeated references to the ticket by Respondents in cross-examination and closing argument, combined with a later jury question about it, show the evidence prejudiced and confused the jury, and therefore requires a new trial.

However, there exists no basis for a new trial here because there are no reversible errors of law. Appellant's reliance on S.C. Code Ann. § 56-5-6160 as an absolute bar to any reference to his traffic ticket or conviction misstates the law. S.C. Code Ann. § 56-5-6160 provides that "[n]o

evidence of conviction of any person for any violation of this chapter shall be admissible in any court in any civil action." That statute prohibits the use of a traffic conviction as substantive evidence, but not for the limited purpose of impeaching a witness's credibility. This is because the South Carolina Supreme Court expressly recognized this distinction in *Addyman v. Specialties of Greenville, Inc.*, 273 S.C. 342, 347, 257 S.E.2d 149, 151 (1979), holding that "the literal language of § 56-5-6160 does not bar the use of this evidence to impeach the credibility of a witness . . .".

Here, the trial court's pretrial ruling on Mack's Motion in Limine regarding Appellant's traffic offense followed the holding from *Addyman*. The trial court excluded evidence of the traffic offense for substantive use but allowed it for impeachment purposes. As the trial court noted in its post-trial order, "the Defendant raised the traffic conviction on cross-examination for impeachment purposes and not as substantive evidence." This only happened because Mack's counsel, in the opening statement, stated that Mack had received a ticket for the accident and had paid the citation. In doing so, Mack mischaracterized the ticket, which has a noted disposition of "Pled Guilty" on the public index. As such, Mack "opened the door" to the evidence already allowed for impeachment purposes. In doing so, Respondents pursued clarification. As noted previously, Mack reiterated that he did not believe he was traveling too fast for conditions and when asked if he pled guilty to the ticket, Mack indicated, "No, sir, I didn't plead guilty. I just paid the ticket." (Tr. pp. 157-158). Respondents' counsel would have been well within the law to then confront Appellant in cross-examination as to his assertion that he was not traveling too fast for conditions, because Appellant pled guilty to charge code, "2519 – Traffic/ Driving vehicle at *greater speed than is reasonable under conditions*." However, a comprehensive review of the whole trial transcript as well as Appellant's brief shows that Respondents' counsel never actually

used the “pled guilty” disposition in their evidence or arguments, they merely echoed that he paid the ticket, exactly as Appellant’s counsel did on her direct examination of the Appellant.

Even so, it is firmly established that otherwise inadmissible evidence may be properly admitted when opposing counsel opens the door to that evidence. *State v. Page*, 378 S.C. 476, 482, 663 S.E.2d 357, 482 (Ct. App. 2008); *State v. Young,* 364 S.C. 476, 485, 613 S.E.2d 386, 391 (Ct. App. 2005) *cert. granted,* Jan. 2007. Whether a person opens the door to the admission of otherwise inadmissible evidence during the course of a trial is addressed to the sound discretion of the trial judge. *Id.* at 483; *State v. Adcock,* 194 S.C. 234, 234, 9 S.E.2d 730, 732 (1940). Testimony in response must be ‘proportional and confined to the topics to which counsel had opened the door.’” *State v. Heyward*, 426 S.C. 630, 637, 828 S.E.2d 592, 595 (2019). Since Appellant opened the door to this evidence and Respondents only made reference to payment of the ticket rather than his guilty plea, he cannot complain of prejudice from its admission. *State v. Robinson*, 305 S.C. 469, 474, 409 S.E.2d 404 (1991); *State v. Sullivan*, 277 S.C. 35, 282 S.E.2d 838 (1981).

The trial court noted in its post-trial order that the evidence of the traffic conviction was introduced by Respondents on cross-examination solely for impeachment and not as substantive evidence. The court further noted that the jury, after indicating they had a question concerning the traffic ticket, was specifically instructed during jury deliberations that it was not to consider the traffic offense for any purpose other than its impact on Mack’s credibility. A curative instruction is usually deemed to cure an alleged error. *State v. Brown*, 389 S.C. 84, 95, 697 S.E.2d 622 (Ct. App. 2010).

The trial court ultimately correctly concluded that the use of the traffic conviction was limited, proper, and therefore a new trial was not warranted. Even so, this appeal is without merit as Appellant’s counsel opened the door to payment of the fine in their opening statement and direct

examination, and Respondents' counsel never actually introduced the evidence of the guilty plea to the jury.

Assuming arguendo that reference to the traffic ticket in this case constituted reversible error, that reversal is unwarranted because any error was harmless. Error is harmless where it could not reasonably have affected the trial's outcome. See *State v. Mitchell*, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985). No definite rule of law governs the finding that an error was harmless; rather, the materiality and prejudicial character of the error must be determined from its relationship to the entire case. See *State v. Reeves*, 301 S.C. 191, 193- 94, 391 S.E.2d 241, 243 (1990). There is ample independent evidence to support the verdict. The combination of the testimony of Rudd regarding his perceived speed of the Mack's vehicle and accident reconstruction expert Richardson's scientifically sound and supported calculations on speed, skid distance, and other factors made any potential error harmless.

II. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN ALLOWING RESPONDENTS' EXPERT TO USE A CORRECTED DEMONSTRATIVE EXHIBIT DURING TRIAL BECAUSE THE REVISION WAS MINOR AND NON-PREJUDICIAL.

Appellant contends that the trial court abused its discretion by allowing Respondents' accident reconstruction expert to publish and testify about a revised computer-aided diagram that had not been disclosed until moments before trial. He argues that this late disclosure violated Rule 26, *SCRCP*, deprived him of a fair opportunity to prepare a rebuttal, and unfairly prejudiced the jury by presenting new, influential evidence of fault.

"[T]he trial court, as with other evidence and testimony, has broad discretion in whether to admit a computer animation, and its decision will be overturned only for an abuse of discretion." *Clark v. Cantrell*, 339 S.C. 369, 385, 529 S.E.2d 528 (2000). Here, the trial court did not abuse its discretion by allowing Respondents' accident reconstruction expert to utilize a corrected CAD

demonstrative during trial. The corrected CAD reflected merely a limited correction to distance measurements between the 45-mph sign and the accident site, and the expert did not rely on the CAD to determine his opinions regarding point of impact, the resting place of the vehicles, or the Appellant's speed. To determine those opinions, he relied primarily upon police dash cam video, which was jointly admitted and relied upon by both parties. The trial court correctly characterized the CAD as a demonstrative aid rather than any kind of new substantive evidence and issued an instruction to the jury that the demonstrative exhibit is "only a re-creation of the defendant's version of the – of events that evening. It is not to be viewed as absolute truth. Please be reminded that you are the fact finders in this case. As such, you may reject this diagram. You may accept it. But it is your decision to do so as the fact finders." (Tr. pp. 346).

Furthermore, the trial court also acted properly within its discretion in managing disclosure of the demonstrative. Before testimony was allowed to proceed, the court allowed Appellant time to review the corrected CAD and the expert was then subjected to cross-examination regarding the CAD and any related calculations.

Moreover, any claim of "ambush" is contradicted by the record. The original CAD was produced during discovery, and Appellant was on notice of errors in that earlier version because they were specifically identified during the expert's pre-trial deposition. (Tr. pp. 64-66). As such, the trial court properly found that the updated CAD should not have been a surprise to the Appellant. Further, Appellant utilized an accident reconstruction expert, Woodrow Poplin ("Poplin"), as a rebuttal expert who was called after Richardson's testimony and Respondents' case in chief. (Tr. pp. 371). To the best of Respondents' recollection, Poplin was in the courtroom during the testimony of Richardson. Further, Poplin's trial opinions as to Richardson's methodology essentially boiled down to the opinion that there was not sufficient information from

the wreck to make a determination of Mack's speed, and thus unaffected by any minor deviations in Richardson's calculations. (Tr. pp. 376-379).

There is no prejudice to Appellant and reversal is not required. See *Samples v. Mitchell,* 329 S.C. 105, 114, 495 S.E.2d 213 (Ct. App. 1997) ("Unless the party who has failed to submit to discovery can show lack of prejudice, reversal is required). Regardless, any alleged error was harmless. The demonstrative was not admitted into evidence, it was used briefly for demonstrative purposes.

III. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN DENYING APPELLANT'S MOTION FOR NEW TRIAL ABSOLUTE BECAUSE THE JURY'S VERDICT WAS SUPPORTED BY THE EVIDENCE AND DOES NOT SHOCK THE CONSCIENCE.

Appellant asserts there is "uncontroverted evidence" of his pain, disfigurement, suffering, mental anguish, and loss of enjoyment of life in the record and therefore, the jury's verdict of $0 for these damages is inconsistent and cannot stand. But this argument completely fails to consider Mack and Mack's wife's own testimony which directly disputes Appellant's complained damages.

Appellant's claim that the verdict was inconsistent and unsupported ignores the fact that the jury heard directly conflicting evidence, much of it from the Appellant and his wife. No medical professionals testified regarding his condition, the necessity of his medical treatment, or to corroborate any ongoing pain, limitation, or mental health issues. Appellant's medical testimony consisted of his own subjective views of the treatment and a medical bill summary. (Tr. pp. 151-152). Furthermore, he declined corrective surgery (Tr. pp. 137-138), took a family trip to New York shortly after the accident during the time he stated he was unable to work (Tr. pp. 167-170), never finished his recommended course of physical therapy (Tr. pp. 170-171), denied any loss of strength or permanent injury from the accident (Tr. pp. 171), and his wife confirmed that he

remained physically active as he resumed his recreational activities like hiking, rollerskating, and paintball (Tr. pp. 171). Appellant's credibility was further called into question regarding inconsistencies about his knowledge of the speed limit at the site of the accident (Tr. pp. 157-158), whether or not he was on his cell phone at the time of the accident or immediately after, and whom he called (Tr. pp. 155-156), his speed just prior to the accident (Tr. pp. 159-160), and the amount of time between when he first saw Rudd's vehicle and the accident (Tr. pp. 162-163).

Therefore, because the jury received credible and controverted testimony, evaluated that evidence, and arrived at a verdict it believed was fair and just, the trial court did not err in denying Appellant's motion for a new trial. The jury's assignment of 50% negligence on behalf of Mack clearly indicates they did not find his testimony uncontroverted or completely credible. "Juries do not have to accept even uncontradicted testimony, much less testimony that contradicts itself." *Nestler v. Fields*, 426 S.C. 34, 41, 824 S.E.2d 461, 465 (Ct. App. 2019). *See Black v. Hodge*, 306 S.C. 196, 198, 410 S.E.2d 595, 596 (Ct. App. 1991) ("The fact that testimony is not contradicted directly does not render it undisputed. There remains the question of the inherent probability of the testimony and the credibility of the witness or the interests of the witness in the result of the litigation.").

"The grant or denial of new trial motions rests within the discretion of the trial judge and his decision will not be disturbed on appeal unless his findings are wholly unsupported by the evidence or the conclusions reached are controlled by error of law." *Chapman v. Upstate RV & Marine*, 364 S.C. 82, 89, 610 S.E.2d 852 (Ct. App. 2005) (quoting *Vinson v. Hartley*, 324 S.C. 389, 405, 477 S.E.2d 715, 723 (Ct. App. 1996)). The Court of Appeals "has the duty to review the record and determine whether there has been an abuse of discretion amounting to an error of law." *Vinson v. Hartley*, 324 S.C. 389, 406, 477 S.E.2d 715, 723-24 (Ct. App. 1996).

A new trial absolute is permitted when "the amount of the verdict is so grossly inadequate or excessive that it shocks the conscience of the court and clearly indicates the amount was the result of passion, caprice, prejudice, partiality, corruption or some other improper motives." *Waring v. Johnson,* 341 S.C. 248 at 257, 533 S.E.2d 906 (Ct. App. 2000). Similarly, the trial judge may grant a new trial if the verdict is inconsistent and reflects the jury's confusion. See *Johnson v. Parker*, 279 S.C. 132, 303 S.E.2d 95 (1983); *Johnson v. Hoechst Celanse Corp*., 317 S.C. 415, 453 S.E.2d 908 (Ct. App. 1995). However, a jury verdict should be upheld when it is possible to do so and carry into effect the jury's clear intention. *Id.* Put differently, the jury's determination of damages is entitled to substantial deference. *Chapman*, 364 S.C. at 89 (citing *Knoke v. South Carolina Dep't of Parks, Rec. & Tourism*, 324 S.C. 136, 141, 478 S.E.2d 256 (1996)). Compelling reasons must be given to justify invading the jury's province in this manner. *Id*. (citing *Pelican Bldg. Ctrs. V. Dutton*, 311 S.C. 56, 61, 427 S.E.2d 673, 676 (1993).

The jury was therefore entitled, in its discretion, to conclude that the Appellant failed to meet his burden regarding economic and non-economic damages or that Appellant lacked credibility regarding his alleged damages. Even if Appellant's testimony regarding pain and suffering was uncontradicted, which Respondents maintain it was not, South Carolina law finds that the jury was not required to accept it as true. See *Black v. Hodge*, 306 S.C. 196, 198, 410 S.E.2d 595, 596 (Ct. App. 1991) (finding the jury did not have to believe uncontradicted testimony and that witness credibility remained a question for the jury). However the jury ultimately determined their damages verdict, there was enough evidence presented at trial for them to make their decision and a new trial absolute would have been improper.

Furthermore, as the trial court properly recognized, this is not a case where a jury's verdict "shocks the conscience" or was the result of some improper motive like prejudice. The jury

itemized the damages on the verdict form, awarding Appellant total damages in the amount of $16,545.34 which accounted for medical expenses, lost wages, and alteration of lifestyle, as well as apportioned equal 50% fault between the parties. This demonstrates a rational and reasoned deliberation. The trial judge also explicitly found that the jury was attentive throughout the trial and that there is no evidence that the jury was motivated by improper motive or that it was confused as Appellant suggested. Because the trial court believed the jury carefully evaluated the evidence before it and arrived at a verdict it believed was fair and just, the trial court gave that substantial deference to the jury's determination of damages and did not invade the jury's province by granting a new trial due to the amount of the damage award.

The record supports the trial court's conclusion that there were no compelling reasons to disturb the verdict. The evidence presented at trial permitted the jury's findings, that verdict does not shock the conscience, and the trial court's denial of Appellant's motion for a new trial absolute should be affirmed.

CONCLUSION

In conclusion, Appellant's arguments as to the allegedly erroneous admission of evidence either lack factual basis for prejudice (the guilty plea of the citation was never introduced and Appellant opened the door to payment of the ticket; Richardson's calculations as to distance traveled by Appellant's vehicle were addressed in his deposition and the final opinion of Mack's speed by Richardson were lower than originally calculated in the deposition) or were harmless error. Furthermore, there is no evidence that the trial court erred by failing to grant new trial absolute due to the reasoned, factually supported verdict of the jury. For these reasons, the verdict rendered by the jury should stand.

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