

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

STATE OF SOUTH CAROLINA)
vs.)

Evan Robert Hawthorne)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE SIXTEENTH JUDICIAL CIRCUIT

ORDER DENYING DEFENDANT'S MOTION
FOR NEW TRIAL AND DENYING DEFENDANT'S
MOTION TO RECONSIDER SENTENCE

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SC Court of Appeals

This matter was before the Court on the Defendant's Motion for a New Trial and Defendant's Motion to Reconsider Sentence related to a jury trial from August 25, 2025 to September 2, 2025 wherein the Defendant was convicted of Murder and sentenced to Life Without Parole. A hearing was held on these motions on February 3, 2026 in Spartanburg County. The Defendant asks this court to grant a new trial on two grounds. The Defendant asserts testimony from the pathologist, Dr. Phillips, concerning the sourcing of an injury to the left thumb of the decedent was improper under *State v. Council* (335 S.C. 1) and its progeny. The Defendant also asserts a new trial should be granted based off Rule 5 and Brady violations concerning a knife that was in the possession of the decedent at his time of death but not collected by law enforcement. The Defendant filed a motion through his attorney Tristan Shaffer for a new trial under Rule 29(b), that motion was withdrawn at the hearing. Finally, the Defendant believes the sentence imposed is excessive given the facts and circumstances of the case, the Defendant's prior military and law enforcement history, his history of abuse leading to mental health issues, and his strong family support.

Concerning the pathologist's testimony, prior to the testimony this court proffered the testimony and ruled she would be allowed to offer her opinion regarding how the injury to the left thumb may have occurred. The Defendant's challenge to bitemark evidence not being reliable dealt with situations in which a bite mark was being used to identify the defendant as the person who caused the bite. This type of testimony is problematic because it cannot identify one person as having caused a bite to the exclusion of all others, such as can be done with fingerprints and DNA evidence. In this case, the State was not attempting to match a dental impression from the Defendant to the injury on the thumb to say the Defendant caused the injury.

The State asked what could have caused the injury to the left thumb and what could have not caused it. It was through circumstantial evidence the State attributed the injury to the Defendant. Regardless, this argument was made at the Defendant's oral Motion for New Trial after the verdict was reached. The court denied the oral motion at the time and nothing presented at the renewed motion for new trial or in the Defendant's filing convinces the court that its original decision was in error. If anything, the court has more support for the original ruling since the time of the initial denial of the Motion for New Trial. On September 17, 2025, the S.C. Court of appeals ruled in *State v. Cauthen* (447 S.C. 45) a police officer could testify about their opinion that a wound on the victim was a bite mark under S.C. Rules of Evidence 701. If a police officer with no medical training can offer an opinion on whether a wound was a bite mark because it "does not require special knowledge, skill, experience, or training" (Rule 701 SRCE) then a medical doctor can surely offer hers. Therefore, the Defendant's motion for new trial based off the testimony of Dr. Phillips concerning the injury to the decedent's left thumb is denied.

As to the alleged Rule 5 and Brady violations, this court held multiple days of pretrial hearings in this matter both in Spartanburg County and York County. One of the main issues at the pretrial hearing held in Spartanburg concerned issues related to the knife. Multiple witnesses including law enforcement, the elected coroner, and family members of the deceased testified under oath at this hearing. At the conclusion of the hearing the court declined to dismiss the case over these violations. These alleged violations were again asserted as a basis of the oral Motion for New Trial after the verdict. The court denied the motion at that time. Nothing in the Defendant's filings or shared at the hearing convinces the court its original decision was in error. Therefore, the Defendant's motion for new trial based off Rule 5 and Brady violations is denied.

As to the Motion to Reconsider Sentence, prior to imposing sentence the court had heard multiple days of pretrial motions, the entirety of the trial, oral post-trial motions, and extensive mitigation on behalf of the Defendant. The only new information presented at the hearing or offered in the Defendant's motion is information from Dr. Maddox about her interactions with the Defendant and his diagnosis. While the court

appreciates Dr. Maddox's expertise and opinion offered at the hearing, the information offered was largely known to the court already through statements of his attorneys that were not disputed by the State. After carefully considering the facts and circumstances as found by the jury and considering all the information offered by the Defendant, this court denies the Motion to Reconsider the Sentence. The sentence imposed on September 2, 2025 was appropriate.

Therefore, it is the Order of the Court that the Defendant's Motion for New Trial and the Defendant's Motion to Reconsider Sentence are **DENIED**.

IT IS SO ORDERED.

s/ R. Keith Kelly
Honorable R. Keith Kelly
Circuit Court Judge

10 March, 2026
York, South Carolina