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CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Darleen Rash, Individually and as Personal
Representative for the Estate of Bronson Harley Rash,
Appellant-Respondent,

v.

Dominion Energy (formerly South Carolina Electric &
Gas Company), Anthony M. Akbar, and Paul
Quattlebaum, Respondents-Appellants.

Appellate Case No. 2023-000718

Appeal From Charleston County
Deadra L. Jefferson, Circuit Court Judge

Unpublished Opinion No. 2026-UP-383
Heard June 3, 2025 – Filed July 22, 2026

AFFIRMED

Roy T. Willey, IV, of Charleston; Joseph E. Thoensen, of
Jeffcoat Law Firm, LLC, of Columbia; Michael Halbert
Dill, of Lauren Taylor Law, of Daniel Island; and Robert
Brian Critzer, of Wyche, PA, of Greenville, all for
Appellant-Respondent.

M. Dawes Cooke, Jr., David Spence Cox, and John
William Fletcher, all of Barnwell Whaley Patterson &

Helms, LLC, of Charleston; Chelsea A. Glover, of Johnson Toal & Battiste, PA, of Orangeburg; and George Craig Johnson and I.S. Leevy Johnson, both of Johnson Toal & Battiste, PA, of Columbia, for Respondent-Appellant Dominion Energy.

Ian S. Ford, Hunter H. James, and Ainsley Fisher Tillman, all of Ford Wallace Thomson LLC, of Charleston, for Respondent-Appellant Anthony M. Akbar.

PER CURIAM: In this cross-appeal, Darleen Rash (Rash) appeals the jury's verdict in favor of the defendants, Dominion Energy (Dominion) and Anthony Akbar (collectively, Respondents), arguing the trial court erred by (1) allowing Respondents to offer a video demonstration of the accident through expert Mike Sutton; (2) failing to qualify Paul McCullough as an expert in civil and structural engineering, accident reconstruction, and project management; (3) denying Rash's posttrial motions for judgment notwithstanding the verdict (JNOV) and to invoke the thirteenth juror doctrine; and (4) refusing to admit City of North Charleston citations issued to Akbar. In their respective cross-appeals, Respondents argue the trial court erred by denying their motions for directed verdict.¹

This case arises from a tragic, fatal motor vehicle collision that occurred on February 19, 2017, when Daniel McJunkin made a left turn in front of Bronson Rash (Decedent). Decedent, who was driving a 2017 BMW motorcycle, collided with McJunkin's 2014 Toyota Tundra at the intersection of Meeting Street Road and Hedgewood Street in North Charleston. Rash brought this lawsuit, individually and as personal representative of Decedent's estate, asserting causes of action for negligence, wrongful death, and survival against several defendants,

¹ Specifically, Dominion argues the trial court erred by denying its motion for directed verdict because (1) the driver testified the utility poles did not obstruct his view, (2) the evidence was undisputed that Dominion fulfilled its obligations under North Charleston's ordinances and the National Electric Safety Code, and (3) no evidence showed Dominion breached a duty of care to Decedent. Akbar argues the trial court erred by denying his motion for directed verdict because (1) as a matter of law, he owed no duty to Decedent and (2) the testimony of the only fact witness was that the driver's view was not obstructed by Akbar's property.

including McJunkin,² Dominion, and property owners Paul Quattlebaum³ and Akbar. Rash proceeded to a jury trial against Dominion and Akbar on the theory that two of Dominion's utility poles and Akbar's fencing and vegetation blocked McJunkin's view of the road, preventing him from having a clear view of Decedent's motorcycle and causing the collision. Rash and Respondents presented expert testimony during trial regarding McJunkin's line of sight. The trial court denied Rash's and Respondents' respective motions for a directed verdict. The jury returned a verdict in favor of Respondents.⁴ Rash moved for JNOV and invocation of the thirteenth juror doctrine. The trial court denied the JNOV motion and the request to invoke the thirteenth juror doctrine. We affirm pursuant to Rule 220(b), SCACR.

1. We hold the circuit court did not err by allowing Respondents to present videos as demonstrative evidence to illustrate Sutton's testimony. *See Jamison v. Ford Motor Co.*, 373 S.C. 248, 268, 644 S.E.2d 755, 765 (Ct. App. 2007) ("The admission of evidence is within the sound discretion of the trial judge, and absent a clear abuse of discretion amounting to an error of law, the trial court's ruling will not be disturbed on appeal." (quoting *Vaught v. A.O. Hardee & Sons, Inc.*, 366 S.C. 475, 480, 623 S.E.2d 373, 375 (2005))); *see also Clark v. Cantrell*, 339 S.C. 369, 385, 529 S.E.2d 528, 537 (2000) ("[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."); *id.* at 389, 529 S.E.2d at 539 ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support."); *Jamison*, 373 S.C. at 268, 644 S.E.2d at 765 ("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., there is a reasonable probability the jury's verdict was influenced by the wrongly admitted or excluded evidence." (quoting *Conner v. City of Forest Acres*, 363 S.C. 460, 467, 611 S.E.2d 905, 908 (2005))). We hold the trial court did not err in determining the requirements set forth in *Clark* were met. *See Clark*, 339 S.C. at 384, 529 S.E.2d at 536 ("[A] computer-generated video animation is admissible as demonstrative evidence when the proponent shows that the animation is (1) authentic under Rule 901, SCRE; (2) relevant under Rules 401 and 402, SCRE; (3) a fair and accurate representation of the evidence to which it relates, and (4) its probative value substantially outweighs

² Rash settled with McJunkin prior to trial.

³ Quattlebaum settled with Rash after trial and was dismissed from the appeal.

⁴ The jury did not reach Rash's remaining claims for wrongful death and survival based upon their verdict in favor of Respondents on the negligence claims.

the danger of unfair prejudice, confusing the issues, or misleading the jury under Rule 403, SCRE.").

First, we hold the videos were relevant because they aided the jury in understanding Sutton's testimony. *See id.* at 386, 529 S.E.2d at 537 ("[A]n animation is relevant when it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy."); Rule 401, SCRE ("'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."); Rule 402, SCRE ("All relevant evidence is admissible Evidence which is not relevant is not admissible."); *Clark*, 339 S.C. at 386, 529 S.E.2d at 537 ("An animation may be relevant when it relates to other admissible, material evidence and it will aid the trier of fact in understanding the related evidence."). Sutton testified as an expert in accident reconstruction and mechanical engineering. He explained the videos were created by placing cameras in a Toyota Tundra where the driver's face would have been and recording a motorcycle approaching the intersection at the accident site. Sutton stated the videos showed the sight distance from the intersection. The central factual issue at trial was whether the poles, vegetation, or both prevented McJunkin from having a clear view of Meeting Street Road before he made the turn. Speed and line of sight were both probative of that issue. The videos demonstrated the motorcycle traveling at two different speeds from the point of view of a driver stopped at the end of Hedgewood Street: one showed the motorcycle traveling at the posted speed limit of thirty-five miles per hour and the other showed it traveling at fifty-five miles per hour. Sutton testified he believed Decedent was traveling at a rate of speed between fifty and sixty-five miles per hour at the time he began braking and that his speed, rather than the poles, vegetation, or fencing, caused the accident.

In addition, Sutton explained he considered McJunkin's testimony that he stopped on Hedgewood Street and believed he drove farther forward after stopping. Sutton testified that if a driver pulled up slightly beyond the stop bar on Hedgewood Street, the fence, poles, and vegetation would not be in the way. Sutton testified that he did not know how much further McJunkin pulled up but that his assessment was based on how far someone would need to move forward past the stop bar to have a clear view. Even though McJunkin did not indicate how far forward he moved his truck after he stopped and before beginning his turn, Sutton made a fair inference—rather than merely speculating—based upon McJunkin's testimony that he would have pulled forward far enough to see around the poles, vegetation, and fencing. Because the videos provided a visual representation to aid the jury in

understanding Sutton's testimony regarding speed and line of sight, which were matters in controversy at trial, we hold the trial court did not err in concluding the video demonstrations were relevant.

Second, we hold the trial court did not abuse its discretion in finding the videos were a fair and accurate representation of the evidence to which they related. *See Clark*, 339 S.C. at 386, 529 S.E.2d at 537 ("[T]he animation must be a fair and accurate representation of the evidence to which it relates. It need not be exact in every detail, but the important elements must be identical or very similar to the scene as described in other testimony and evidence presented by the animation's proponent in order to constitute a fair and accurate representation. In an animation reconstructing a vehicle accident, for instance, the animation must be technically correct on details such as distance, terrain, relative speed, path of travel, and surroundings. The fact the animation is inconsistent with testimony or evidence presented by the opposing party should not necessarily lead to its exclusion, provided it fairly and accurately portrays the proponent's version of events."). Here, the videos portrayed the proponent's (Sutton's) version of events. Sutton testified he and his team created the videos by filming a motorcycle traveling down Meeting Street Road from the point of view of a driver seated in a Tundra stopped at the end of Hedgewood Street. The videos showed the motorcycle coming around the curve toward the intersection at two different speeds but did not show the accident. The videos were recorded on the same day of the year, at the same time of the evening, at the same intersection where the accident occurred. Sutton testified the Tundra used in the video was substantially similar to McJunkin's Tundra, and Rash presented no evidence refuting this. Although the motorcycle used in the video was not the same as Decedent's and was slightly smaller, the same headlight that would have been on Decedent's motorcycle was used on the demonstrative motorcycle and was placed in the same position that it would have been on Decedent's motorcycle. Thus, the vehicles used in the recreation were sufficiently similar to represent the vehicles involved in the accident and relevant to aid Sutton's testimony regarding McJunkin's line of sight.

As to the post-processing addition of the vegetation, we hold the trial court did not abuse its discretion by concluding that the addition of the vegetation did not reduce the fairness or accuracy of the videos. *See id.* ("[T]he important elements must be identical or very similar to the scene as described in other testimony and evidence presented by the animation's proponent In an animation reconstructing a vehicle accident, for instance, the animation must be technically correct on details such as . . . surroundings."). Because the vegetation at issue had been removed prior to the recording of the videos, Sutton used a photograph of the vegetation

taken the night of the accident to add the vegetation back to the videos. The addition of the vegetation allowed the videos to represent the conditions of the scene more accurately than they would have without the vegetation present. Sutton stated he adjusted the opacity of the overlay of the vegetation to ninety percent to account for gaps in the vegetation that would have allowed light to shine through. The jury heard testimony from several witnesses regarding the vegetation and viewed a video recording of the scene that Rash's witness, McCullough, made three days after the accident. The jury also viewed a photograph that law enforcement took on the night of the accident when positioned at the end of Hedgewood Street, showing how the vegetation appeared that night. *See, e.g., Webb v. CSX Transp., Inc.*, 364 S.C. 639, 654, 615 S.E.2d 440, 448 (2005) (holding the appellant failed to show an abuse of discretion in the trial court's admission of a computer animation of the accident scene when the vegetation was enhanced in the video because "the jury heard testimony from several individuals about the vegetation at the crossing on the day of the accident and had a video from a rescue worker at the scene[] and one taken by the [p]laintiff the next day presented for comparison purposes"). We hold the trial court did not abuse its discretion by refusing to exclude the videos based upon the post-processing addition of the vegetation.

As to Rash's argument that the placement of the Tundra in the videos did not coincide with McJunkin's trial testimony, we hold the trial court did not abuse its discretion by refusing to exclude the videos on this basis. *See Clark*, 339 S.C. at 389, 529 S.E.2d at 539 ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support."). McJunkin testified he stopped at the stop bar but believed he pulled his truck forward beyond the stop bar before making the turn. Thus, the placement of the Tundra in the videos was based upon inferences Sutton could fairly draw from the evidence in the record, including McJunkin's testimony, rather than speculation. In addition, McJunkin's testimony that he never saw Decedent coming was not inconsistent with Sutton's conclusions regarding McJunkin's line of sight.

As to Rash's argument regarding Decedent's path of travel, this argument is not preserved because Rash did not challenge the videos on this basis during trial. *See Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) ("At a minimum, issue preservation requires that an issue be raised to and ruled upon by the trial judge.").

Based upon the foregoing, we hold evidence supports the conclusion that the video demonstrations represented a technically correct depiction of the conditions and details of the accident, including distance, terrain, surroundings, and speed, and therefore supports the trial court's finding that they were a fair and accurate representation of the evidence. Accordingly, we conclude the trial court did not abuse its discretion by finding the videos satisfied the *Clark* requirements.

Next, we hold the trial court did not abuse its discretion by finding the probative value of the videos substantially outweighed the danger of unfair prejudice. *See Clark*, 339 S.C. at 384, 529 S.E.2d at 536 (requiring that the proponent must show the "probative value [of the animation] substantially outweighs the danger of unfair prejudice, confusing the issues, or misleading the jury under Rule 403, SCRE"); Rule 403, SCRE ("Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."). Here, the videos were highly probative because they aided Sutton's testimony regarding line of sight and showed the intersection from the perspective McJunkin would have had from his position on the road at the same time of night and at the same time of year as the accident. The videos also aided in illustrating Sutton's testimony regarding Decedent's speed, which was helpful because Sutton opined Decedent's speed and McJunkin's lack of attention caused the accident. This demonstrative evidence presented a fair and accurate depiction of the accident scene conditions and did not have "an undue tendency to suggest a decision on an improper basis." *See State v. McGee*, 408 S.C. 278, 289, 758 S.E.2d 730, 736 (Ct. App. 2014) ("Evidence is unfairly prejudicial if it has an undue tendency to suggest a decision on an improper basis, such as an emotional one." (quoting *State v. Cheeseboro*, 346 S.C. 526, 547, 552 S.E.2d 300, 311 (2001))). Thus, we hold the trial court did not abuse its discretion by finding the probative value of the videos substantially outweighed the danger of unfair prejudice.⁵

Regardless, we conclude any error in the admission of this demonstrative evidence did not prejudice Rash because McJunkin testified nothing obstructed his view. *See Jamison*, 373 S.C. at 268, 644 S.E.2d at 765 ("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., there is a reasonable probability the jury's

⁵ To the extent the trial court misstated the standard when it found this factor was satisfied, we find no error because, applying the standard set forth in *Clark*, we hold the probative value substantially outweighs the danger of unfair prejudice.

verdict was influenced by the wrongly admitted or excluded evidence." (quoting *Conner*, 363 S.C. at 467, 611 S.E.2d at 908)). McJunkin acknowledged that he testified during his December 2019 deposition that nothing obstructed his view at the intersection at the time the accident occurred. He clarified that from the date of the accident until the December 2019 deposition, he had not returned to the intersection. He testified that he did return to the intersection sometime after the deposition and observed that there were utility poles and "fences or vegetation in or about that area." When questioned about whether returning to the intersection "refresh[ed his] recollection" of how the intersection appeared, he stated, "I don't know that any condition changed." He further testified he had no reason to believe the Decedent "did anything to contribute to" the collision. McJunkin never expressly recanted his deposition testimony; he offered no testimony at trial to indicate that upon further reflection, he believed the vegetation, poles, or both obstructed his view of the roadway when he turned onto Meeting Street Road. Moreover, notwithstanding the visual demonstrations contained in the videos, Sutton testified the poles, fences, and vegetation did not contribute to or cause the accident. After the jury viewed the videos, Sutton confirmed his opinion that "the primary and only causes of this accident were [Decedent]'s speed and Mr. McJunkin's inattentiveness." Based upon McJunkin's trial testimony acknowledging that he previously testified nothing obstructed his view, his failure to amend such prior testimony, and Sutton's testimony regarding the cause of the accident, we hold there is no reasonable probability that the jury's verdict was influenced by viewing the demonstrative videos. For these reasons, we hold the trial court did not err by admitting this evidence and affirm as to this issue.

2. We hold the trial court did not abuse its discretion by finding Rash's expert, McCullough, lacked the requisite knowledge and skill to testify regarding line of sight. See *Graves v. CAS Med. Sys., Inc.*, 401 S.C. 63, 74, 735 S.E.2d 650, 655 (2012) ("The qualification of a witness as an expert is within the discretion of the circuit court, and we will not reverse absent an abuse of that discretion."); *Jamison*, 373 S.C. at 268, 644 S.E.2d at 765 ("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., there is a reasonable probability the jury's verdict was influenced by the wrongly admitted or excluded evidence." (quoting *Conner*, 363 S.C. at 467, 611 S.E.2d at 908)); Rule 702, SCRE ("If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise."); *State v. Warner*, 430 S.C. 76, 85, 842 S.E.2d 361, 365 (Ct. App. 2020) ("Before admitting expert testimony, trial courts, as the gatekeepers of

evidence, must ensure the proffered evidence is beyond the ordinary knowledge of the jury; the witness has the skill, training, education, and experience required of an expert in his field; and the testimony is reliable."), *aff'd in part and remanded*, 436 S.C. 395, 872 S.E.2d 638 (2022); *Watson v. Ford Motor Co.*, 389 S.C. 434, 446, 699 S.E.2d 169, 175 (2010) ("[Although] the expert need not be a specialist in the particular branch of the field, the trial court must find that the proffered expert has indeed acquired the requisite knowledge and skill to qualify as an expert in the particular subject matter."). Rash sought to admit McCullough's expert testimony in civil engineering with subspecialties of project management and accident reconstruction and stated that the substance of his testimony would be line-of-sight analysis. During voir dire, McCullough testified he was a civil engineer with a bachelor's degree in civil engineering and a master's degree in structural engineering, with an emphasis on reinforced concrete. He stated he previously worked in construction management and had worked for a forensic engineering firm for the most recent fifteen years. McCullough explained that he had conducted a variety of investigations and most of his latest evaluations were focused on construction defects. He clarified that prior to that, he performed many investigations regarding "damage assessments, scene documentation, line-of-sight evaluation, and calculations as [they] relate[] to deflections, displacements, and damage to structural members."

McCullough explained he was certified in project management and had previously given testimony in accident reconstruction, stating "any unplanned event . . . has all elements of accident reconstruction[, w]hether it be a natural event such as a hurricane, a fire, an arson, or any type of a car going into a building . . . all of those are accident reconstructions." When the trial court asked McCullough to specify what specific courses he had taken pertaining to accident reconstruction or line of sight, McCullough stated he had taken courses "associated with the surveying course, the roadway design for angular banks, geometric turns of the 3-D roadway." He explained there were no civil engineering courses in accident reconstruction but that the evidence documentation he had performed "consist[ed] of measuring deflections and damage to structural components of the bicycle, which would be commensurate with damage of structural components to the buildings and cars when they collide."

McCullough acknowledged he had never conducted a line-of-sight analysis for a motor vehicle accident and admitted the only line-of-sight matter he had handled involved an arson case. McCullough's testimony during voir dire supports the trial court's finding that he lacked specialized training or expertise pertaining to line of

sight. We therefore hold the trial court did not abuse its discretion by refusing to allow McCullough to provide expert testimony regarding line of sight.

Further, we reject Rash's argument that under *Bramlette v. Charter-Medical-Columbia*, 302 S.C. 68, 393 S.E.2d 914 (1990), the exclusion of McCullough's expert testimony allowed Sutton's testimony to remain uncontradicted and denied her the ability to present expert testimony on the issue of line of sight. *See id.* at 74, 393 S.E.2d at 917 ("*As proffered*, [the hospital's expert witness's] testimony would have rebutted [the plaintiff's undisclosed expert's] testimony that [the hospital's nurse] breached the standard of care for a psychiatric nurse in failing to exercise her own discretion based on her personal knowledge of the patient." (emphasis added)); *id.* (concluding the respondent hospital "was clearly prejudiced by the exclusion of this evidence [because the plaintiff's expert's] testimony on the issue of [the nurse's] negligence remained uncontradicted"). Here, Rash never proffered McCullough's testimony. *See Jamison*, 373 S.C. at 260, 644 S.E.2d at 761 ("The failure to make a proffer of excluded evidence will preclude review on appeal. Generally, a party must request the opportunity to present an expert witness in order for the issue to be preserved for appellate review. It is well settled that a reviewing court may not consider error claimed in the exclusion of testimony unless the record on appeal *shows fairly what the rejected testimony would have been*. However, this rule regarding proffers has been relaxed where the appellate court is able determine from the record what the testimony was intended to show and that prejudice clearly exists." (emphasis added) (citations omitted)). We cannot discern from the record precisely what McCullough's testimony would have been or how it might have contradicted Sutton's expert testimony. However, Rash informed the trial court that McCullough would testify on the issue of line of sight and that the sight distance at the intersection was insufficient due to the obstructions. Rash presented the testimony of two other experts—Ruston Hunt and Mark Teague—on this very issue. Both testified the poles and vegetation obstructed McJunkin's view. Because Rash was able to present expert testimony through Hunt and Teague that the line of sight from McJunkin's perspective was limited by the poles and vegetation, the trial court's exclusion of McCullough's testimony did not deny Rash the ability to present expert testimony on the issue of line of sight. Thus, the exclusion of McCullough's expert testimony pertaining to line of sight did not cause Sutton's testimony to remain uncontradicted.

Furthermore, the trial court admitted data that McCullough collected from the scene using a 3-D laser scanner, photographs that McCullough captured of the scene with a traditional optical, high-resolution camera, and a GoPro video that

McCullough recorded showing the roadway from the viewpoint of a driver stopped with the vehicle's front tires on the stop bar. The scan data, photographs, and video were created only a few days after the accident and showed the vegetation in the same state that it was in on the night of the accident. Hunt testified he reviewed the GoPro videos, 3-D laser scans, and the photographs and offered expert testimony based upon this evidence. Teague testified he also reviewed the scan data and photographs of the scene and that he went to the incident scene himself. Because the jury viewed the scan data, photographs, and video that McCullough captured and heard expert testimony from Hunt and Teague on the issue of line of sight, which relied in part on this evidence, we hold the trial court's refusal to allow McCullough to testify as an expert regarding line of sight did not prejudice Rash. *See Jamison*, 373 S.C. at 268, 644 S.E.2d at 765 ("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., there is a reasonable probability the jury's verdict was influenced by the wrongly admitted or excluded evidence." (quoting *Conner*, 363 S.C. at 467, 611 S.E.2d at 908)). For these reasons, we hold the trial court did not err by refusing to allow McCullough to offer expert testimony regarding line of sight, and we further note Rash failed to show he was prejudiced by the exclusion of such evidence. Accordingly, we affirm as to this issue.

3. We hold evidence in the record supports the trial court's denial of Rash's posttrial motions for JNOV and to invoke the thirteenth juror doctrine. *See Burns v. Universal Health Servs., Inc.*, 361 S.C. 221, 232, 603 S.E.2d 605, 611 (Ct. App. 2004) ("The appellate court will reverse the trial court's ruling on a JNOV motion only when there is no evidence to support the ruling or where the ruling is controlled by an error of law."); *id.* at 231-32, 603 S.E.2d at 611 ("In ruling on a motion for JNOV, the trial judge cannot disturb the factual findings of a jury unless a review of the record discloses no evidence which reasonably supports them."); *id.* at 232, 603 S.E.2d at 611 ("If more than one inference can be drawn from the evidence, the grant of a JNOV is improper and the case must be left to the jury's determination. The verdict will be upheld if there is any evidence to sustain the factual findings implicit in the jury's verdict." (citation omitted)); *see also Youmans ex rel. Elmore v. S.C. Dep't of Transp.*, 380 S.C. 263, 272, 670 S.E.2d 1, 5 (Ct. App. 2008) ("The thirteenth juror doctrine is a vehicle by which the trial court may grant a new trial absolute when [it] finds that the evidence does not justify the verdict." (quoting *Folkens v. Hunt*, 300 S.C. 251, 254, 387 S.E.2d 265, 267 (1990))); *id.* at 287, 670 S.E.2d at 13 ("The thirteenth juror doctrine entitles a trial court to act as a thirteenth juror when it finds the evidence does not justify the verdict and it may then grant a new trial based solely on the facts."); *id.* at 272, 670 S.E.2d at 5 ("A trial judge's order granting or denying a new trial upon the facts

will not be disturbed unless his decision is wholly unsupported by the evidence, or the conclusion reached was controlled by an error of law. When an order granting a new trial is before this [c]ourt, our review is limited to the consideration of whether evidence exists to support the trial court's order." (quoting *Folkens*, 300 S.C. at 254-55, 387 S.E.2d at 267)).

As to the denial of Rash's JNOV motion, more than one inference could have been drawn from the evidence presented at trial. As we stated, McJunkin—the only witness who was involved in the accident—did not expressly recant his previous testimony that nothing obstructed his view when he was stopped at the stop sign before initiating the turn. In addition, photographs in evidence depicting the intersection from the point of view of a driver stopped at Hedgewood Street show the vegetation and position of the poles. From McJunkin's trial testimony as well as the photographs of the accident scene, the jury could have inferred that, despite Rash's experts' testimonies on the issue of line of sight, neither the poles nor the vegetation on Akbar's property obstructed McJunkin's view. Because more than one inference could be drawn from the evidence presented at trial, we hold the trial court did not err by denying the JNOV motion.

As to the trial court's refusal to invoke the thirteenth juror doctrine, we hold evidence exists to support the trial court's ruling. McJunkin testified in his deposition that nothing was blocking his view when he turned onto Hedgewood Street. During trial he did not expressly contradict this testimony. Instead, he stated he returned to the intersection after the deposition, observed that there were fences and vegetation in the area, and "d[id not] know that any condition had changed." Because McJunkin's testimony provides evidence to support the trial court's ruling, we hold the trial court did not err in refusing to invoke the thirteenth juror doctrine. For these reasons, we affirm the trial court's denial of Rash's posttrial motions.

4. We hold the trial court did not err by refusing to admit City of North Charleston citations written to Akbar when it concluded the citations were too remote in time from the incident such that any probative value for the purpose of liability was outweighed by the prejudicial effect. See *Jamison*, 373 S.C. at 268, 644 S.E.2d at 765 ("The admission of evidence is within the sound discretion of the trial judge, and absent a clear abuse of discretion amounting to an error of law, the trial court's ruling will not be disturbed on appeal." (quoting *Vaught*, 366 S.C. at 480, 623 S.E.2d at 375)); Rule 401, SCRE ("'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be

without the evidence."); *State v. Glenn*, 328 S.C. 300, 309, 492 S.E.2d 393, 397 (Ct. App. 1997) ("[O]therwise relevant evidence may lose its probative value when it becomes too far removed from the event in question."); *id.* ("However, there is no set rule as to what lapse of time will make particular evidence too remote to be probative, and the determination of remoteness is a matter within the discretion of the trial court."). The City of North Charleston issued a citation to Akbar on September 24, 2014, that references ordinance 9-46(e): "Impeding traffic – limbs, brush, junk in right of way." The description of the violation stated, "The bushes at the back fence need to be trimmed back so vehicles entering Meeting St[reet] R[oad] do not have their vision blocked." Rash argued that the citations were relevant because a former code enforcement officer for the City would testify that based upon the photographs and videos taken in 2017, the vegetation on Akbar's property was the same as it appeared in 2014 when she issued the citation. However, Rash never proffered this former officer's testimony. The 2014 citation was issued to Akbar two and a half years prior to the accident and during a different season. It was issued in early fall whereas the accident happened in mid-winter. Thus, the citation could not have been probative of how the vegetation would have looked in the winter of 2017. For these reasons, we hold the trial court did not abuse its discretion by refusing to admit the September 2014 citation on the ground that it was too remote in time to be relevant.

As to Rash's argument that the trial court should have permitted her to question Akbar about the citations, we hold Rash has abandoned this argument on appeal. *See Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001) ("[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review.").

5. Because we affirm as to all grounds raised in Rash's appeal, we decline to address Respondents' respective cross-appeals. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding it is not necessary for the appellate court to address remaining issues on appeal when the disposition of a prior issue is dispositive).

AFFIRMED.

MCDONALD, VINSON, and TURNER, JJ., concur.