

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

In The Supreme Court

Appeal From Greenwood County

William W. Wheeler, Circuit Court Judge

Case No. 2022-CP-24-00717

RECEIVED

SEP 18 2026

SC Court of Appeals

Andria Bucknor

Appellant,

v.

Jennifer A. Garcia Orosco

Respondent

INITIAL BRIEF OF APPELLANT

September 16, 2026

Andria Bucknor

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Augusta, Ga. 30919

Andria Bucknor
9-18-2026

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- *Thompson v. Cooper*, 290 S.C. 274, 350 S.E.2d 192 (Ct. App. 1986) Page(s) [6]
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STATEMENT OF ISSUES ON APPEAL

Issue 1: The Manifest Weight of the Evidence

1. Whether the trial court erred in denying Appellant's Motion for a New Trial because the jury's 0% verdict is contrary to the manifest weight of the evidence. Where the record contains objective, uncontradicted proof—specifically including contemporaneous, time-and-date-stamped photographs documenting acute physical injuries at the emergency room on the night of the crash alongside photographic proof of full airbag deployment—the finding of zero liability or zero damages is wholly irreconcilable with the undisputed physical facts and constitutes a miscarriage of justice.

Issue 2: Error in Denying a Directed Verdict

2. Whether the trial court erred as a matter of law in denying Appellant's Motion for a Directed Verdict on the issues of liability and causation, where the defense failed to present any competent evidence to contradict the physical timeline established by time-and-date-stamped photographs of vehicle airbag deployment and matching emergency room medical records from the night of the incident, meaning no reasonable jury could find the Respondent 0% responsible.

Issue 3: Jury Instruction Error on Proximate Cause

3. Whether the trial court erred in its instructions to the jury regarding the evaluation of objective physical evidence and the legal standard for proximate cause. The jury's total disregard of time-and-date-stamped photographic evidence linking the high-impact collision directly to the emergency room treatment demonstrates that the court's instructions failed to provide a clear, lawful framework for evaluating damages, resulting in an arbitrary verdict.

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STATEMENT OF THE CASE

This action arises out of a motor vehicle collision that occurred on **July 31, 2019**, in Greenwood County, South Carolina. Plaintiff-Appellant Adrina Bucknor was stationary in her vehicle, completely stopped at a red traffic light for approximately one minute, when Defendant-Respondent Jennifer Garcia Orosco rear-ended her vehicle.

Plaintiff-Appellant filed a Summons and Complaint in the Court of Common Pleas for Greenwood County on **July 25, 2022**, bearing Civil Action Number 2022-CP-24-00717, alleging negligence and seeking damages for personal injuries against Defendant-Respondent. Defendant-Respondent subsequently filed an Answer denying liability.

The matter came for a jury trial before the Honorable **William Wheeler** in the Greenwood County Court of Common Pleas on **May 6, 2026**. At the conclusion of the trial, the jury was provided a Special Verdict Form. The jury returned a verdict answering "No" to Question (1), finding that Defendant-Respondent was not negligent and was not a proximate cause of Plaintiff-Appellant's injuries. Following the explicit instructions on the form, the jury ceased deliberations without assigning any percentages of fault or calculating damages.

Following the publication of the verdict, Plaintiff-Appellant timely moved, for a New Trial pursuant to Rule 59, SCRCP, on the grounds that the jury's finding of no negligence was completely contrary to the clear, uncontradicted weight of the trial evidence.

By formal order, Judge Wheeler denied Plaintiff-Appellant's post-trial motions. This timely appeal followed.

STATEMENT OF FACTS

As a direct result of the collision and the trauma documented at the scene and emergency room, Appellant incurred immediate medical expenses. See *Dillon v. Frazer*, 383 S.C. 59, 678 S.E.2d 251 (2009). See *Watson v. Town of Pendleton*, 294 S.C. 155, 363 S.E.2d 234 (Ct. App. 1987)

. On the night of July 31, 2019, Appellant was transported via emergency services, incurring an EMS bill totaling **\$577.58** [].

Upon arrival at the medical facility on the night of July 31, 2019, Appellant underwent diagnostic testing, emergency physician services, and radiological imaging, resulting in an initial Emergency Room bill totaling **\$5,119.46** [].

Due to ongoing symptoms from the injuries sustained in the collision, Appellant returned to the medical facility on **August 3, 2019** for follow-up evaluation and treatment, incurring an additional bill of **\$581.85** []. The total uncontradicted medical expenses incurred immediately following the crash equals **\$6,278.89**.

Adrina Bucknor
7-18-2026

SUMMARY OF THE ARGUMENT

The trial court committed reversible legal error by denying Appellant's Motion for a New Trial because the jury's 0% verdict is contrary to the manifest weight of the evidence and constitutes a profound miscarriage of justice.

At trial, Appellant presented an airtight, uncontradicted chronological record of a high-impact collision and immediate physical injury. This objective evidence included photographic proof of full vehicle airbag deployment, contemporaneous time-and-date-stamped photographs documenting acute physical trauma and bruising at the emergency room on the night of the crash, and an immediate chronological paper trail of **\$6,278.89** in emergency medical expenses. This total includes a **\$577.58** EMS bill and a **\$5,119.46** initial Emergency Room bill from July 31, 2019, as well as a **\$581.85** follow-up medical bill from August 3, 2019.

Because this physical, photographic, and documentary evidence was admitted without exclusion, and because the defense failed to provide any competent evidence to contradict this immediate timeline, the jury's finding of zero liability or zero damages is wholly irreconcilable with physical reality. No reasonable jury could conclude that Appellant bore 0% responsibility or suffered \$0 in damages under these facts. The jury's total disregard of this objective evidence demonstrates that they either failed to understand the court's instructions on proximate cause or acted out of pure caprice. Because the verdict defies logic and the undisputed record, the trial court erred as a matter of law in letting it stand. This Court should reverse the trial court's order and remand for a new trial.

ARGUMENT

Part I: The Trial Court Erred in Denying a New Trial Because the Jury's 0% Verdict Is Contrary to the Manifest Weight of the Evidence.

A. Under South Carolina law, a trial judge sits as the 'thirteenth juror' when evaluating a motion for a new trial based upon the manifest weight of the evidence. See *Folkens v. Hunt*, 300 S.C. 251, 387 S.E.2d 265 (1990). In this role, the trial judge is charged with integrity and discretion to see that justice is done. While the jury's verdict is given deference, the trial judge *must* grant a new trial if the verdict is wholly unsupported by the evidence or is contrary to the clear weight of the facts.

B. In the present case, the jury's verdict of 0% liability [or \$0 damages] completely abdicates the undisputed physical evidence. The record contains an uncontradicted, objective chronological timeline of a high-impact collision and immediate physical trauma.

First, Appellant introduced photographic proof of full vehicle airbag deployment, establishing a violent physical impact (). Second, Appellant presented contemporaneous, time-and-date-stamped photographs taken at the emergency room on the night of the crash (). These time-stamps provide irrefutable proof that the physical bruising and trauma occurred simultaneously with the accident,

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9/10/2024

destroying any defense theory of a pre-existing condition.

Finally, this immediate physical trauma is backed by a precise, chronological financial paper trail of emergency medical care totaling **\$6,278.89**, consisting of an EMS transport bill of **\$577.58 ()**, an ER evaluation bill from the night of the crash of **\$5,119.46 ()**, and a logical follow-up medical visit on August 3, 2019, totaling **\$581.85 ()**."

C.Because this photographic and documentary evidence was admitted without objection, and because the defense failed to provide any competent medical or expert testimony to break this immediate timeline, the jury's verdict of \$0 or 0% is completely irreconcilable with physical reality. By denying the Motion for a New Trial, the trial court abused its discretion and permitted a manifest miscarriage of justice to stand. Therefore, this Court must reverse."

Part II: The Jury's Verdict Demonstrates Prejudicial Confusion or Caprice on the Standards for Proximate Cause.

A. A jury's verdict cannot be based on pure speculation, caprice, or a fundamental misunderstanding of the court's instructions. Where a verdict is so grossly inadequate or contrary to the facts that it defies logic, South Carolina courts recognize that the jury failed to follow the lawful framework provided to them. *See Thompson v. Cooper*, 290 S.C. 274, 350 S.E.2d 192 (Ct. App. 1986)."

B.No reasonable jury could look at a timestamped photo of a deployed airbag, a matching timestamped photo of a bruised body from that exact same night, and a \$5,119.46 hospital bill from the emergency room, and conclude that the collision caused exactly zero dollars in damages. The mathematical precision of the emergency bills, coupled with the digital certainty of the photographic time-stamps, proves that the jury completely ignored the legal standard for proximate cause. This total disregard of uncontroverted facts demonstrates that the jury was either fundamentally confused by the court's instructions or acted out of pure prejudice, requiring a new trial on all issues.

CONCLUSION

For the foregoing reasons, the Plaintiff-Appellant respectfully requests that the South Carolina Court of Appeals vacate the trial court's final judgment, reverse the order denying the post-trial motions, and remand this matter to the trial court for a new trial absolute.

September 16, 2026

Respectfully submitted,

Andria Bucknor

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Mike Coulter, Attorney for Respondent

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Proof of Service(Initial Brief)

I certify that I have served the initial briefing to Mike Coulter in the postal mail certified at P.O. Box 6728 Greenville Sc 29606.

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