

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)
)
 THE STATE)
)
 vs.)
)
 Walter Tucker,)
)
 Defendant)
 _____)

IN THE COURT OF GENERAL SESSIONS
 Ind. Nos. 2012-GS-07-2246- MURDER
 2012-GS-07-2247- AR

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SC Court of Appeals

Order Denying Motion for New Trial

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 BEAUFORT COUNTY, S.C.
 CLERK OF COURT
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This matter having come before the Court upon Defendant's Motion for New Trial, the Court finds as follows:

Defendant's motion for a New Trial is based on an allegation of juror misconduct as to juror Jessica Masanto. Defendant was tried and convicted of Murder and Attempted Armed Robbery in Beaufort County on or about April 16, 2015. The Defendant along with others set up a fake drug deal with the victims in this case to rob the victims. During the robbery Quantize Greer was killed. Prior to Defendant Tucker's trial Antonio Brewer, an eyewitness, was killed. During the trial the jury was told that Mr. Brewer was deceased and unavailable to testify.

In support of his motion, Defendant submitted an affidavit from Quornisha Jones as well as two brief social media contacts purported to be between Ms. Jones and Ms. Masanto. In her affidavit, Ms. Jones claims that she and Ms. Masanto are friends and that Ms. Masanto approached her after the Trial and asked "what have you gotten yourself into?" Ms. Jones then claimed that Ms. Masanto was friends with Antonio Brewer and that she blamed Defendant Tucker for Mr. Brewer's death. One of the social media contacts alleged occurred well before the jury trial. The other contact allegedly occurred after Ms. Masanto was contacted by investigators with the Solicitor's office which occurred after Defense counsel disclosed this issue to the Solicitor's office and to the Court on or about October 2, 2015. Ms. Masanto requested that Ms. Jones call her on or about October 6, 2015, which was after the investigator contacted Ms. Masanto, but before Ms. Masanto executed her affidavit. The Defendant argues that Ms. Masanto intentionally concealed information about her knowledge and relationship to Ms. Jones and Mr. Brewer; and that this constituted juror misconduct which would warrant a new trial. Defendant argued that a prima facie issue had been established by the competing affidavits and requested that the Court conduct an evidentiary hearing at which time Ms. Jones, Ms. Masanto, or other evidence could be presented to fully litigate the issue. The Court declined to set the matter down for a hearing over Defendant's objection, and decided to proceed only on affidavits.

The State argues that Ms. Jones was listed as a potential witness in the case. Further, that Ms. Jones did not have any first hand knowledge of Defendant Tucker and was not called

as a witness. The State submitted an affidavit from Ms. Masanto which stated that she was not personal friends with either Quornisha Jones or Antonio Brewer. Further that she had not had any discussions about the case with Ms. Jones or Mr. Brewer. Finally, that she had not had any conversations wherein she blamed Defendant Tucker for Antonio Brewer's Death.

While no transcript was available, the Court believes that during the Defendant's trial, the Court inquired of all jurors including Ms. Masanto if they were connected by blood or marriage or had a close personal friendship with any of the potential witnesses in the case.

Based on the affidavits submitted by both the State and the Defendant, as well as the arguments of counsel and the applicable law, this Court finds no credible evidence that Ms. Masanto was related by blood or marriage or had a close personal relationship with Ms. Jones, Mr. Brewer or any other potential witness in the case. The Court further finds no credible evidence that Ms. Masanto concealed any information from the Court during this trial. The Defendant's Motion for a New Trial is therefore respectfully DENIED.

Further, all other grounds or errors raised by Defendant at trial, raised during the directed verdict at trial, raised at the end of the trial, or otherwise raised in Defendant's Motion for New Trial are hereby DENIED.

IT IS SO ORDERED.



The Honorable Brooks P. Goldsmith
S.C. Circuit Court Judge

Beaufort, S.C.
October 21, 2015