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STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE STATE OF SOUTH CAROLINA, Vs. ROBERT MAX WATKINS, Defendant.	)	IN THE COURT OF GENERAL SESSIONS THIRTEENTH JUDICIAL CIRCUIT CASE NO: 2002-GS-23-1063 **ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL**

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THIS MATTER is before the Court on the Defendant's Pro Se Motion for a New Trial based on after/newly discovered evidence. In order for the Court to grant a new trial based on newly discovered evidence, the Court must find the following: that the evidence (1) is such that it would probably change the result if a new trial were granted; (2) has been discovered since the trial; (3) could not in the exercise of due diligence have been discovered prior to the trial; (4) is material; and (5) is not merely cumulative or impeaching. *State v. Mercer*, 381 S.C. 149, 166, 672 S.E.2d 556, 565 (2009); *State v. Prince*, 316 S.C. 57, 447 S.E.2d 177 (1993). After careful consideration of the issues raised in the Motion, the Court finds that the arguments and evidence set forth by the Defendant do not sufficiently meet the test for new trial based upon after discovered evidence. The Motion is denied and the Court's previous sentence is reaffirmed.

THEREFORE, it is ORDERED, ADJUDGED, AND DECREED that the Defendant's Motion for New Trial is DENIED.

IT IS SO ORDERED.

Ed W. Miller

The Honorable Edward W. Miller
Thirteenth Judicial Circuit

Dated: 4/26/16