

STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
 ARDON PERCIVAL CATO, II)
 Applicant,)
 VS.)
 STATE OF SOUTH CAROLINA)
 Respondent.)

IN THE COURT OF GENERAL SESSIONS
 Warrant: H893922, 926, 927
 Indictment: 2005GS2603409, 3410, 3412
 Case: 77066-1
**Order Denying Applicant's Motion to
 Alter or Amend Judgment**

Applicant Cato moved this Court to alter or amend judgment of the Order Disposing of Oral Arguments and Denying Applicant's Motion for a New Trial Based on After-Discovered Evidence pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure. After considering the file and Applicant's motion, this Court finds that Rule 59 SCRPC has no application to the Court of General Sessions. This Court reaffirms the prior Ruling of July 18, 2016.

Applicant pled guilty as indicted, without recommendation or negotiation, on July 17, 2006, to one count of Murder and two counts of Assault and Battery with Intent to Kill. At his guilty plea, this Court ensured that the Defendant was aware of his rights and knowingly, freely, and voluntarily waived those rights in order to enter a guilty plea. Subsequent to the acceptance of the guilty plea and the imposition of his sentence, Applicant requested a new trial pursuant to Rule 29(b) based on after-discovered evidence. SCRCrimP. Applicant's motion for a new trial was denied by order of the court July 18, 2016.

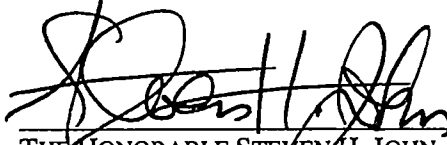
Applicant moved the court to Alter or Amend Judgment pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure on August 10, 2016. This Court finds that Rule 59(e) SCRPC has no application to the Court of General Sessions. The Court reaffirms its prior ruling from July 18, 2016.

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A.H.J.

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 MELANIE HUGGINS WARD
 CLERK OF COURT

Applicant's Motion to Alter or Amend Judgment is hereby DENIED.

AND IT IS SO ORDERED.



THE HONORABLE STEVEN H. JOHN
RESIDENT CIRCUIT COURT JUDGE
FIFTEENTH JUDICIAL CIRCUIT OF SOUTH CAROLINA

September 19, 2016

Conway, South Carolina

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