

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
Russell Shane Carter,)
)
Plaintiff,)
)
v.)
)
Bruce Bryant, as representative for the)
Office of the York County Sheriff,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

C.A. No.: 2014-CP-46-1307

ORDER

FILED-RECEIVED
2016 DEC 15 AM 9:11
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

The above was tried before the undersigned and a jury on November 9, 2016. The jury returned a verdict for the Plaintiff in the amount of \$150,000.00. Defendant has timely filed the following Post-Trial motion:

Notice of Motion and Motion for Judgment Notwithstanding Verdict, or Alternatively, Motion for New Trial Absolute

Defendant notes Rules 50 and 59, SCRCPP, as predicate rules for the motion. The motion sets forth 19 grounds in support of the motion.

Grounds numbered 1, 2, 7, and 15 go to the sufficiency of the evidence. At the appropriate stages of the trial, when ruling on Defendant's directed verdict motions, the undersigned ruled Plaintiff had introduced sufficient evidence to support his cause of action for malicious prosecution. The undersigned weighed the evidence of record presented by Plaintiff and denied Defendant's motions for directed verdict. The undersigned felt during trial, and now continues to feel, that Plaintiff's evidence was sufficient for the case to be submitted to the jury.

Grounds numbered 3, 4, 5, and 6 assert Defendant is entitled to a judgment notwithstanding the verdict based on provisions of the South Carolina Torts Claim Act (Section



15-78-60, South Carolina Code of Laws, 1976, as amended). At trial, the undersigned reviewed the various exceptions to the waiver of governmental immunity set forth in the four numbered grounds. Upon such review, the undersigned deemed the exceptions did not bar Plaintiff's cause of action for malicious prosecution. The undersigned continues to believe the exceptions do not apply under the facts here present.

Grounds numbered 8, 10, 11, and 14 address the introduction of the evidence at trial. Reception of evidence is a matter dealt with at the time of the introduction of the evidence. If these are claims of incorrect evidentiary rulings, they are matters for direct appeal.

Ground number 9 simply lacks any legal basis.

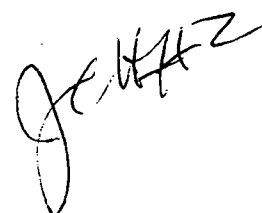
Grounds numbered 12, 13, and 16 assert the Court gave an incorrect charge to the jury. These are grounds for direct appeal.

Ground number 17 asks the Court to grant a new trial pursuant to the thirteenth juror doctrine. The Court finds no reason to do so.

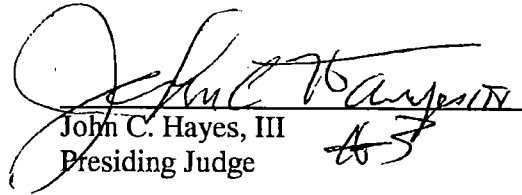
Ground number 18 asserts an improper argument to the jury by Plaintiff's counsel. This is a matter for direct appeal.

Ground number 19 asserts the verdict is grossly excessive and is based on caprice, passion, prejudice, partiality, or other improper motives. The undersigned finds that the verdict is not grossly excessive and does not shock the conscience. Further, the amount of the verdict does not substantiate the assertion that same was a result of caprice, passion, prejudice, partiality, or other improper motives.

Wherefore, Defendant's motions set forth hereinabove are denied.



IT IS SO ORDERED.


John C. Hayes, III
Presiding Judge

December ^{1st}, 2016
York, South Carolina