

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
JAMES BURROUGHS, JR.,)
Plaintiff,)
vs.)
HERBERT E. WILSON, JR.)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2015-CP-10-2744

RECEIVED ORDER GRANTING
NEW TRIAL

JUN 30 2017

SC Court of Appeals

FILED
2017 MAY 30 PM 2:34
BY JULIE J. STRONG
CLERK OF COURT

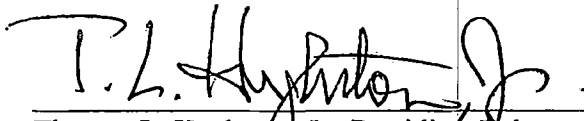
This case was before me on Plaintiff's Motion for a New Trial. I grant this Motion.

I am not sure how the jury decided this case in favor of the Defendant, but it, in my opinion, had to involve some error of law on my part in instructing the jury, or simply just an erroneous view of the facts by the jury. Whatever it was, there is no question that the Defendant was negligent in speeding, following too close for conditions, and failing to keep his vehicle under proper control. The combination of these acts of negligence directly caused this accident and the resulting injuries. A sudden emergency that was at least partially caused by his own acts of negligence cannot relieve the Defendant of responsibility. I believe that I gave an erroneous instruction to the jury regarding a sudden emergency.

One can call this the 13th juror doctrine, or whatever analysis is appropriate. The facts and the law combined to require a new trial in the interest of justice.

IT IS SO ORDERED.

May 30, 2017
Charleston, South Carolina


Thomas L. Hughston, Jr., Presiding Judge

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Commons Pleas
Thomas L. Hughston, Circuit Court Judge

Case No. 2015-CP-10-2744

Herbert Wilson, Jr.....Appellant,

v.

James Burroughs, Jr.....Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents by hand delivering a copy of the same on June 28, 2017 to the following:

J. Rutledge Young, Esq.
Julie L. Moore, Esq.
Duffy & Young, LLC
96 Broad St
Charleston, SC 29401-2201
Attorneys for Respondent James Burroughs

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JUN 30 2017

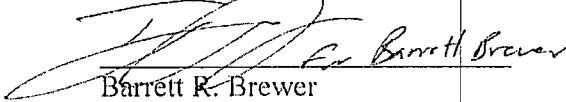
SC Court of Appeals

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

By:

CLAWSON and STAUBES, LLC



Barrett R. Brewer

SC Bar No.: 70378

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

Phone: (843) 577-2026

Fax: (843) 722-2867

Attorney for : Herbert E. Wilson, Jr.

PROOF OF SERVICE – NOTICE OF
APPEAL

Charleston, South Carolina
June 28, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Commons Pleas
Thomas L. Hughston, Circuit Court Judge

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Herbert Wilson, Jr.....Appellant,

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NOTICE OF APPEAL

Appellant Herbert Wilson, Jr. appeals the Order granting a New Trial dated and filed on May 30, 2017, a copy of which is attached. Counsel for Appellant received the Order on the date of filing, May 30, 2017.

[SIGNATURE PAGE TO FOLLOW]

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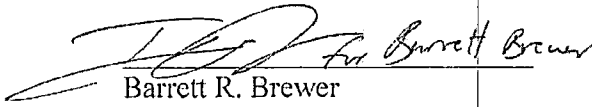
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Respectfully submitted,

By:

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SC Bar No.: 70378

126 Seven Farms Drive, Suite 200

Charleston, South Carolina 29492-8144

Phone: (843) 577-2026

Fax: (843) 722-2867

Attorney for : Herbert E. Wilson, Jr.

Charleston, South Carolina
June 27, 2017

Other counsel of record:

J. Rutledge Young, Esq.

Julie L. Moore, Esq.

Duffy & Young, LLC

96 Broad St

Charleston, SC 29401-2201

Email Address: ryoung@duffyandyoung.com

Attorneys James Burroughs

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
JAMES BURROUGHS, JR.,)
Plaintiff,)
vs.)
HERBERT E. WILSON, JR.)
Defendant.)

IN THE COURT OF COMMON PLEAS
CASE NO. 2015-CP-10-2744

FILED
2017 MAY 30 PM 2:34
BY JULIE J. ARMSTRONG
CLERK OF COURT
**ORDER GRANTING
NEW TRIAL**

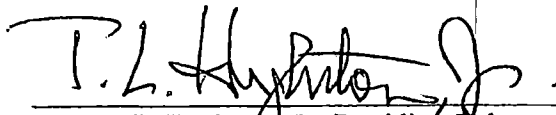
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