

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 DCPMS, LLC)
)
 Plaintiff,)
)
 -versus-)
)
 Merrina Genneva Mitchell,)
)
 Defendant.)
 _____)

IN THE MAGISTRATE COURT
 Magistrate Case No. 2017CV1010101588
 ORDER DENYING PLAINTIFF'S MOTION
 TO ALTER OR AMEND OR
 FOR A NEW TRIAL

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 APR 23 2018
 SC Court of Appeals

This matter is before the court on Plaintiff's Motion to Alter or Amend or for a New Trial, filed October 10, 2017. Plaintiff's motion is filed pursuant to Rule 19, South Carolina Magistrate Court Rules. As grounds for its motion, Plaintiff seeks to introduce new evidence in the form of a prior lease, work orders, and a rental history between the Defendant and the prior landlord/owner of the subject property and further explanation of telephone records submitted as evidence at the first hearing on August 31, 2017.

In Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993), the South Carolina Supreme Court held that to obtain a new trial based on after-discovered evidence, the party must show that the evidence:

- (1) would probably change the result if a new trial is had;
- (2) has been discovered since the trial;
- (3) could not have been discovered before trial;
- (4) is material to the issue of guilt or innocence; and
- (5) is not merely cumulative or impeaching.

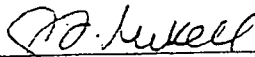
I find that Plaintiff's proposed new evidence does not meet the standards set forth in Clark in part because it could have been discovered before trial¹ and in part because it is merely

¹ The initial hearing on this matter occurred on August 31, 2017. At the hearing, the court took testimony from the

cumulative or impeaching of evidence submitted at trial.

For these reasons, Plaintiff's Motion to Alter or Amend or for a New Trial is **DENIED**.

IT IS SO ORDERED.



Amy J. Mikell, Magistrate

Charleston, South Carolina

October 11, 2017

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parties and, upon oral assertion by Defendant of a counterclaim for damages, the court continued the hearing until October 4, 2017 to allow the Defendant to submit evidence of damages and Plaintiff to submit evidence in defense of Defendant's counterclaim.

2017-CP-10-5587

STATE OF SOUTH CAROLINA)

2017CV1010101588
CIVIL CASE NUMBER

COUNTY OF CHARLESTON)

IN THE MAGISTRATE'S COURT

TRANSCRIPT OF JUDGMENT
FIND FOR DEFENDANT

Names of Parties Against Whom Judgment is Granted	Attorneys
DCPMS, LLC 3600 Rivers Avenue 2300 North Charleston, SC 29405	


Names of Parties To Whom Judgment is Granted	Attorneys
Merrina Genneva Mitchell Post Office Box 1346 Johns Island, SC 29455	

DAMAGES AND COSTS

Amount of Judgment:	\$4,360.89
Costs:	
Attorney Fees	\$0.00
Interest	\$0.00
Court Costs / Filing Fees	\$0.00
Total Amount of Judgment:	\$4,360.89
Date of Judgment:	October 26, 2017

FILED
2017 OCT 26 PM 2:45
JULIE L. ARMSTRONG
CLERK OF COURT

I, Amy J Mikell, Magistrate in and for the County of Charleston, do hereby certify that the foregoing is a correct transcript of the Judgment issued by this Court.



Amy J Mikell
Charleston County Magistrate

October 26, 2017

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