

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

IN THE COURT OF GENERAL SESSIONS
17-GS-24-593, 594, 1634

STATE of SOUTH
CAROLINA,

ORDER DENYING MOTION FOR A NEW
TRIAL

-v-

DAZZELLE
SMITH,
Defendant.

RECEIVED
MAY 21 2018
SC Court of Appeals

Addy, J.

THIS MATTER CAME BEFORE THE COURT on May 11, 2018 on the Defendant's motion for a new trial wherein Mr. Smith alleges juror misconduct in that a juror supposedly did not disclose a previous social relationship with one of the witnesses at trial. The Defendant was not present for the hearing of May 11, 2018; however, William Yarborough Esq., counsel for Mr. Smith, waived his presence. The State was represented by Deputy Solicitor Yates Brown. The Court finds as follows:

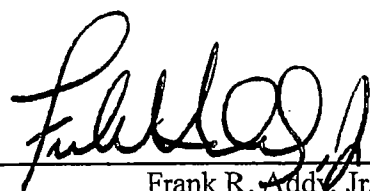
On April 10, 2018, Mr. Smith was convicted by jury trial of Trafficking in Cocaine 28G or More Third, Possession with Intent to Distribute Marijuana, and Possession with Intent to Distribute Crack Cocaine. He was sentenced to twenty-five (25) years in prison on the Trafficking charge, twenty (20) years on the PWID Crack charge, and ten (10) years on the Marijuana charge. All sentences were ordered to run concurrently. After the trial, it came to the attorney's attention that a juror and a witness may have known each other. Mr. Yarborough filed a timely motion for a new trial, requesting that the Court inquire into whether the juror had engaged in active concealment of this relationship. During the May 11th evidentiary hearing on this motion, the Court received testimony from both the juror and the witness.

The Court finds that witness and the juror merely grew up on the same street. They both stated that they had not spoken in years. Additionally, the juror stated that she hadn't seen Mr. Smith since he

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was a baby. During *voir dire*, the Court inquired whether any member of the jury panel was related by blood or marriage or had any close business or social relationships with any of the potential witnesses. The Court finds that the juror in question did not need to respond to this inquiry since her past association with the witness was remote and clearly they did not presently have any close relationship with one another. Accordingly, for the reasons stated at the hearing and as stated above, the Court finds that there was no juror misconduct, and the Defendant's Motion for a new trial is **DENIED**.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Eighth Judicial Circuit

May 15, 2018
Greenwood, South Carolina