



STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY

James L. Braswell, Sr.,
Plaintiff,

-vs-

James F. Amick,
Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE EIGHTH CIRCUIT

C/A No.: 2017-CP-36-00214

RECEIVED
MAR 13 2019
SC Court of Appeals

ORDER FOR NEW TRIAL

This right-of-way/property dispute case was tried over a period of two days in Newberry in a Bench Trial. At the conclusion of the case, the lawyers requested that the Court physically view the property at issue. The Court agreed to do so. Judge Eugene Griffith, who was in his office at the Newberry courthouse, offered to take this Judge to the property since he, Judge Griffith, knew the location of the property. This Judge, this Judge's law clerk, and Judge Griffith rode in one car ("Judge car") to the property. Tom Thompson, Defendant's counsel, rode in a second car to the property. Bob Dibble and Jennifer Dowd (Nichols), Plaintiff's attorneys, traveled in a third car ("Dibble Car") to the property. Upon arriving at the property, Mr. Thompson elected not to travel down the road through the subject property. The Judge car and the Dibble car traveled down the road through the property and turned around. While turning around, the Dibble car became stuck. The Dibble car decided to wait for assistance from their client. Meanwhile, the Judge car left the property and returned to the courthouse.

At no time, a period of roughly thirty minutes, did this Judge and Judge Griffith talk about this case in any way. Only later did this Judge learned that Judge Griffith had previously recused

himself from hearing this case. This Judge did not know of Judge Griffith's recusal at the time he viewed the property.

The Court took this case under advisement. After several weeks, the Court ruled and issued very detailed instructions to Plaintiff's attorneys regarding preparing the Order of the Court. After this ruling was made known to the parties, but prior to the signing of any formal Order, Defendant claimed to have just learned that this Judge had ridden with Judge Griffith to the property. Defendant requested a hearing and one was subsequently held on February 13, 2019 in Newberry. During this hearing, Defendant requested a new trial, and counsel for the Plaintiff indicated no opposition to this request.

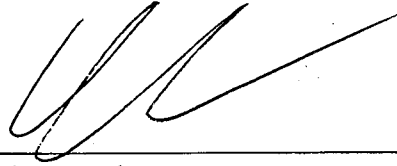
Accordingly, this Court grants the request for a new trial. The Court, however, wants to be abundantly clear as to the following:

1. That at no time did this Judge and Judge Griffith discuss the facts of this case during the ride to view the property;
2. That, during this ride, this Judge did not know that Judge Griffith had previously recused himself from this case;
3. That Judge Griffith would never try to improperly influence this Judge or any other Judge concerning a pending case (This was acknowledged to by Defendant's counsel at the February 13, 2019 hearing.);
4. That this Judge would never allow himself to be improperly influenced by Judge Griffith or any other Judge concerning a pending case (This was acknowledged to by Defendant's counsel at the February 13, 2019 hearing.);
5. That the Court's ruling on this case was based totally on the evidence and testimony presented at trial; and

A handwritten signature in black ink, appearing to be "H. Z. Griffith", is written over the bottom of the list. The signature is stylized and somewhat cursive.

6. That, notwithstanding the fact that Plaintiff's counsel believed the request for a new trial to have been otherwise warranted, the fact that Plaintiff's counsel did not oppose Defendant's request for a new trial was the sole factor in granting the request for a new trial.

IT IS SO ORDERED.



Donald B. Hocker
Circuit Judge

Date: February 13, 2019