

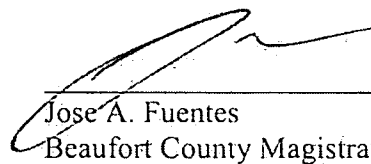


the Theory could have been discoverable prior to the original trial. There was no evidence regarding any scientific discoveries that would not have been discoverable prior to the original trial.

As far as the Brady 5 material argument, it is this Court's understanding that Defendant is requesting that an amended TR-310 be produced by the State. At this time no such document exists, and thus, no new evidence has been discovered. The only document in existence is a TR-310 that Defendant modified by hand to show the diagram of the collision as he believes it should be.<sup>1</sup>

Therefore, Defendant's Motion for a New Trial is DENIED.

Respectfully Submitted,



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Jose A. Fuentes  
Beaufort County Magistrate

Bluffton, South Carolina  
4th day of April, 2019

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<sup>1</sup> On March 11, 2019, Defendant filed a "Motion To Obtain Brady Materials" with the Bluffton Magistrate Court. Attached to that Motion, as Exhibit "B", is the TR-310 that the investigating officer prepared but with a modification done by Defendant. Defendant placed an X on the depicted vehicles and hand drew a new location for the vehicles. The Court did not address the Motion, as it does not fall within the Court's limited jurisdiction.