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MAY 16 2019

SC Court of Appeals

State of South Carolina )  
 )  
County of Spartanburg )

IN THE COURT OF GENERAL SESSIONS

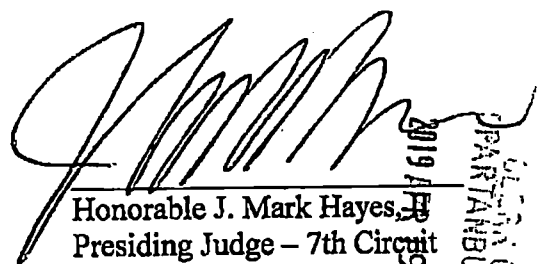
STATE OF SOUTH CAROLINA )  
 )  
versus )  
 )  
Adriel Garnett, )  
 )  
Defendant. )

**Order Denying Defendant's Motion  
for a New Trial**

Murder & Possession of a Weapon -  
During the Commission of a Violent Crime  
16-GS-42-4430 - Counts I & II  
2016A4221200017 - 18

This matter came before the Court on the Defendant's Motion for a New Trial on the above-referenced charges. The Defendant was indicted for Murder and Possession of a Weapon during the Commission of a Violent Crime under the above-referenced indictment. A pre-trial hearing was held on December 6-7, 2017 on the Defendant's Motion to Dismiss pursuant to S.C. Code Section 16-11-450. The motion was denied by written order on December 18, 2017. The defendant was convicted of Murder and Possession of a Weapon during the Commission of a Violent Crime at the conclusion of a 4 day trial (October 29 -- November 1, 2018). The defendant was sentenced to life without the possibility of parole at the conclusion of the trial. The defendant, through his counsel Paul K. Neely, filed a three (3) page written Motion for a New Trial on November 8, 2018. The State responded with a filed written four (4) page reply to the defendant's motion. After review of the Defendant's written motion and the State's written reply and without the need for oral arguments, the Court denies the Defendant's Motion for a New Trial on all four (4) grounds.

IT IS SO ORDERED.



Honorable J. Mark Hayes,  
Presiding Judge - 7th Circuit

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SPARTANBURG COUNTY  
COURT  
AH 10: 22

April 20, 2019  
Spartanburg, South Carolina



for evidence. Specifically, Deputy Talanges testified about a folding knife found directly next to Cecil Gilliam's body. This knife was found in the open and locked position. The State also called Catherine Leisy from SLED. She testified that Cecil Gilliam's DNA was found on the knife. The State offered no evidence of arguments between Gilliam and the Defendant, any preexisting ill will, any motive that would lead to murder. The State offered no evidence contrary to self-defense. For these reasons the Defendant's motion for directed verdict at the conclusion of the State's case should have been granted.

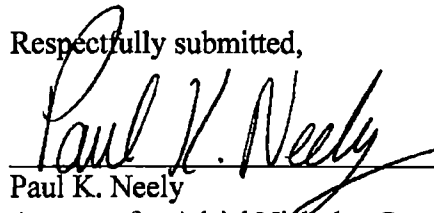
2. The Defendant's motion for directed verdict should have been granted at the conclusion of the Defendant's case. The Defendant called Jared Castellani, SLED forensic toxicologist. He testified that Mr. Gilliam had blood alcohol content of .186. He further testified that generally a person begins showing signs of lowered inhibition when blood alcohol content reaches .03. These effects become more pronounced the higher the blood alcohol content. The Defendant took the witness stand in his defense. He told the court that Cecil Gilliam attacked him with a knife and threatened to gut him like a fish. He testified that he could not retreat, that he felt his life was in danger and that he believed shooting was his only option. Applying the standard in *State v. Oates*, 421 S.C. 1, a directed verdict should have been granted because the uncontroverted evidence offered by both parties established the Defendant acted in self-defense.
3. The admission of Cecil Gilliam's pants and shirt over Defense objection was more prejudicial than probative. The State asserted that the introduction of these items in to evidence would establish the location of the gunshots. This evidence was

also elicited from the pathologist, Dr. Wren, who performed the autopsy on Mr. Gilliam. The pants and shirt, cut from Mr. Gilliam's body did nothing to establish the location of the gunshots, but merely aroused unnecessary passion in the jury.

4. The admission of autopsy photos also aroused unnecessary passion for the jury. Dr. Wren testified about gunshot locations and the State sought to admit two (2) diagrams Dr. Wren drew in to evidence. This evidence was sufficient to establish the gunshot locations. The autopsy photos were unnecessarily cumulative, aroused passion in the jury, and more prejudicial than probative.

Based on these objections and motions previously made by the Defendant, and ones not specifically addressed above, the Defendant requests a new trial.

Respectfully submitted,



Paul K. Neely  
Attorney for Adriel Nicholas Garnett  
Seventh Judicial Circuit Public Defender's Office  
Spartanburg, South Carolina

2018 NOV -8 AM 8:33  
M. HOPE BLANKLEY  
CLERK OF COURT  
SPARTANBURG, SOUTH CAROLINA

November 7, 2018