

STATE OF SOUTH CAROLINA ) **FILED** IN THE COURT OF COMMON PLEAS  
 ) TWELFTH JUDICIAL CIRCUIT  
 COUNTY OF FLORENCE 2021 OCT 27 PM 2:25  
 Gregory Daniels #297449, ) **DORIS POULOS DINARA** Civil Action number 2013-CP-21-0289  
 ) **COOP & GS** Appellate Case number 2015-002033  
 Applicant, ) **FLORENCE COUNTY, SC**  
 )  
 v. ) **Order Denying Applicant's Motion For**  
 ) **A New Trial**  
 State of South Carolina, )  
 )  
 Respondent. )

**RECEIVED**  
**Nov 04 2021**  
**SC Court of Appeals**

**Procedural History**

1. Applicant was convicted of murder and possession of a weapon during a violent crime on or about April 16, 2010.
2. The South Carolina Supreme Court, in opinion number 27180 filed October 10, 2012, affirmed Applicant's conviction.
3. Applicant filed an action for post-conviction relief on February 1, 2013.
4. Post-conviction relief was denied by the Hon. D. Craig Brown by order signed June 8, 2015.
5. Applicant's Rule 59(e) motion was denied by order dated August 5, 2015 by the Hon. D. Craig Brown.
6. Petition for a writ of certiorari was denied by the South Carolina Court of Appeals by order dated August 14, 2018.
7. Applicant filed a motion for a new trial with the Florence County Clerk of Court's Office on or about September 10, 2021. The procedural history of this case is important in deciding this motion.
8. The bases of Applicant's motion for a new trial filed on or about September 10, 2021 are as follows:
  - I. Discovery of the failure to disclose the proffer agreement of state's lay witness Andrea Bradley;
  - II. Prosecutorial misconduct by failing to press investigators on this case to give all exculpatory evidence to defense;
  - III. Improper closing arguments;

*DLB*  
*10/2*

IV. Asserting facts not in evidence; and

V. False evidence hearsay statements lies from a witness or false testimony.

**Legal Basis for Denying New Trial**

9. Applicant's motion is being decided without oral argument pursuant to Rule 29(a), S.C. R. Civ. Pro.

10. Rule 59(b), S.C. R. Civ. Pro., says that a motion for a new trial shall be made promptly after the jury is discharged, or in the discretion of the trial court not later than 10 days thereafter.

11. Grant or denial of new-trial motions rests within the discretion of the circuit court. *Brinkley v. South Carolina Dept. of Corrections*, 386 S.C. 182, 687 S.E.2d 54 (S.C.App. 2009).

12. This motion for a new trial was filed over eleven years after applicant was convicted.

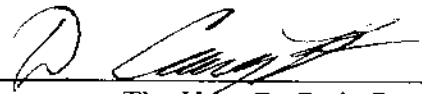
**Conclusion**

13. This Court finds that Applicant's Motion for a New Trial is untimely.

14. Therefore, Applicant's motion for a new trial is **DISMISSED**.

IT IS SO ORDERED.

October 27, 2021  
Florence, South Carolina

  
The Hon. D. Craig Brown  
Presiding Judge  
Twelfth Judicial Circuit

2021 OCT 27 PM 2:25  
DORIS FOLLOWS CLERK  
CCCP & GS  
FLORENCE COUNTY, SC

FILED

D CB  
10/27/21  
2