

# **INSTRUCTIONS FOR FILING A MOTION FOR NEW TRIAL**

## **FOR A TRAFFIC OR CRIMINAL CASE**

1. SC Code Section 22-3-1000 provides that a motion for a new trial must be filed with the Trial Court within ten (10) days of the trial/disposition date.
  2. Filing a motion for a new trial does not stop the execution of the original sentence.
  3. Filing a motion does not reopen your case. A hearing will be scheduled to determine whether your case will be reopened.
  4. One notice of hearing will be mailed to you at the address you provide.
  5. You must be present on your motion hearing date for your motion to be considered. If your motion is granted, your new trial will commence immediately thereafter.
  6. If you wish to file this motion, please complete the appropriate Motion for New Trial form and file it with the Traffic & Criminal Office.
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## **FOR A CIVIL CASE**

1. If you have appeared in court for a **Rule to Vacate Case** and the Judge's decision was made in your presence, you have five (5) days from the court date to file a motion for a new trial. For all other civil cases, you have ten (10) days from the court date to file a motion for a new trial.
2. If you did not appear in court for a **Rule to Vacate Case**, you have five (5) days from the date of receipt of the written judgment/order to file a motion for a new trial. For all other civil cases, you have ten (10) days from the date of receipt of the written judgment/order to file a motion for a new trial.
3. Filing a motion for a new trial does not stop the execution of the original order.
4. Filing a motion does not reopen your case. A hearing will be scheduled to determine whether your case will be reopened.
5. One notice of hearing will be mailed to you at the address you provide.
6. You must be present on your motion hearing date for your motion to be considered.
7. If you wish to file this motion, please complete the appropriate Request for New Trial form and file it with the Civil Office.

**PLEASE NOTE: BEAUFORT MAGISTRATE COURT STAFF AND JUDGES CANNOT ASSIST YOU IN COMPLETING THIS FORM. IF YOU HAVE ANY QUESTIONS OR REQUIRE LEGAL ADVICE, PLEASE CONTACT AN ATTORNEY.**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY/CITY OF BEAUFORT )  
 )  
 )  
 )  
\_\_\_\_\_)  
Plaintiff )  
vs. )  
 )  
 )  
\_\_\_\_\_)  
Defendant

\_\_\_\_\_  
CIVIL CASE NUMBER  
IN THE SUMMARY COURT  
MOTION TO REOPEN / NEW TRIAL

Name of Filing Party: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Trial Date: \_\_\_\_\_ Time of Trial: \_\_\_\_\_

Presiding Judge: \_\_\_\_\_

I make a Motion to Reopen/Motion for a New Trial based on the following:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please circle one option:

Were you present for the initial hearing? YES / NO

Did you receive the Order for this hearing via mail? YES / NO

On what date did you receive the Order? (N/A if not received) \_\_\_\_\_

\_\_\_\_\_  
Signature of Filing Party

\_\_\_\_\_  
Date

**FOR ADMINISTRATIVE USE ONLY:**  
Motion Hearing Scheduled: YES / NO Date & Time of Motion Hearing: \_\_\_\_\_  
If NO, Reason: UNTIMELY / PARTIES SUBMITTING BRIEFS ON CONSENT / OTHER  
Plaintiff Present: YES / NO Defendant Present: YES / NO Judge's Ruling: Granted / Denied  
Comments: \_\_\_\_\_