

The Supreme Court of South Carolina

Re: Amendments to the South Carolina Rules of
Criminal Procedure

Appellate Case No. 2014-002673

ORDER

Pursuant to Article V, § 4, of the South Carolina Constitution, the South Carolina Rules of Criminal Procedure are hereby amended as provided in the attachment to this order. These amendments shall be submitted to the General Assembly as provided by Art. V, § 4A of the South Carolina Constitution.

s/ Costa M. Pleicones C.J.

s/ Donald W. Beatty J.

s/ John W. Kittredge J.

s/ Kaye G. Hearn J.

Columbia, South Carolina
January 28, 2016

RULE 21

CLOSING ARGUMENTS

Closing arguments in all non-capital cases shall proceed in the following order:

- (a) the prosecution shall open the argument in full;
- (b) the defense shall be permitted to reply; and
- (c) the prosecution shall then be permitted to reply in rebuttal.

If the matter involves multiple defendants, the court shall determine their relative order in presentation of closing argument.

Note:

Rule 21 replaces the common law rule, which permitted a defendant to retain the final closing argument if the defendant presented no evidence during the trial, and is substantially similar to the Federal Rule. The rule requires that the prosecution open in full on the law and the facts and may make a rebuttal argument, which must be limited to a direct response to the defendant's closing argument. The prosecution is not permitted to open solely on the law and reserve argument on the facts for rebuttal.