

RECEIVED

Mar 10 2023

SC Court of Appeals

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Mar 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA
) COURT OF APPEALS
)
COUNTY OF CHARLESTON) Indictment No(s): 2020-GS-10-00108;
) 2020-GS-10-00107
) Warrant No(s): 2019A1010206380;
) 2019A1020100397
STATE OF SOUTH CAROLINA)
)
-versus-)
)
)
RAHEEM OQUENDAL GRANT,)
Defendant.)
)

**REQUEST FOR REPRESENTATION
ON APPEAL**

On behalf of the request of the above-named Defendant, to be represented by the South Carolina Commission of Appellate Defense, the undersigned attorney would show unto this Honorable Court that:

1. He is the attorney for the defendant-appellant in the above captioned case. The defendant-appellant was placed in custody immediately following conviction and sentence and was not available to personally sign this Request.
2. The defendant-appellant was represented by the Charleston County Public Defender's Office as an indigent, pursuant to the Defense of Indigent Act.
3. The defendant-appellant has been informed that he may request assistance from the South Carolina Commission of Appellate Defense in perfecting his appeal.
4. A timely Notice of Appeal has been filed on the defendant's appellant behalf.
5. The defendant-appellant has been informed that nothing requires that office to pursue this appeal unless that office's Chief Attorney is satisfied that there is arguable merit to this appeal and that he cannot afford to hire an attorney.

At this time, the defendant-appellant requests the aid of the South Carolina Commission of Appellate Defense in perfecting his appeal to the South Carolina Court of Appeals.


Benjamin A. Mack
Assistant Public Defender
Charleston County Public Defender

Charleston, South Carolina

Dated: March 9, 2023.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

VERIFICATION

Personally appeared before me the above-signed attorney, who being first duly sworn, deposes and says that he has read the foregoing Request for Representation on Appeal and knows the allegations contained therein are true, except as to those which may be alleged to be upon information and belief and as to those she believes them to be true.

SWORN to and subscribed before me

this 9th day of March, 2023.

Courtney L. Knowlton
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 12/04/28

APPELLATE DEFENSE CHECKLIST

The documents forwarded with this letter have had a check mark placed by them. Documents not applicable to this case have been marked N/A. All other documents will be forwarded at a later date.

- ☒ 1. Copy of Appeal papers sent to S.C. Court of Appeals
- ☒ 2. Copy of Warrants and accompanying Affidavits
- ☒ 3. Copy of Indictments
- ☒ 4. Copy of written Motions
- ☐ 5. Copy of written Request to Charge
- ☒ 6. Copy of Defendant's Statement
- ☐ 7. Copy of Written Exhibits introduced at trial
- ☒ 8. Copy of Sentencing Sheet

ARREST WARRANT

2019A1020100397

STATE OF SOUTH CAROLINA

County ☐ Municipality of ☒

City of Charleston

1919836

THE STATE
against

Rahiem Oquendal Grant

Address:

Phone:

Sex: M

Race: B

DL State: SC

DOB: [REDACTED]

Prosecuting Agency: Charleston Police Department

Prosecuting Officer: Anthony Gibson

Offense: Assault and Battery 1st Degree

Code/Ordinance Sec: 16-03-600(C)

This warrant is CERTIFIED FOR SERVICE in the
County/ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant on 12-10-2019

Signature of Court Clerk or Courtroom Officer

RETURN WARRANT TO:

City of Charleston Municipal Court
180 Lockwood Boulevard
Charleston, SC 29403

STATE OF SOUTH CAROLINA

County ☒ Municipality of ☐

City of Charleston

Personally appeared before me the affiant Anthony Gibson

being duly sworn deposes and says that defendant Rahiem Oquendal Grant

did within this county and state on 12/07/2019

State of South Carolina (or ordinance of

in the following particulars:

DESCRIPTION OF OFFENSE:

Assault and Battery 1st Degree

I further state that there is probable cause to believe that the defendant named above committed
the crime set forth and that probable cause is based on the following facts:

See Attached Affidavit

ORIGINAL

RECEIVED
Mar 10 2023
SC Court of Appeals

OFFICER INITIALS

Signature of Affiant

STATE OF SOUTH CAROLINA

County ☒ Municipality of ☐

City of Charleston

Affiant's Address 180 Lockwood Blvd

Charleston, SC 29403

Affiant's Telephone (843)720-2422

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 12/07/2019 defendant Rahiem Oquendal Grant

did violate the criminal laws of the State of South Carolina (or ordinance of

County ☒ Municipality of ☐ City of Charleston

) as set forth below:

DESCRIPTION OF OFFENSE:

Assault and Battery 1st Degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 12/09/2019

Signature of Notary Judge

(L.S.)

Judge's Code:

8035

Judge's Address

180 B Lockwood Blvd.

Judge's Telephone

Charleston, SC 29403

Issuing Court:

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

Form Approved by
U.S. Attorney General
12-1-2005
SCC-113

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, Det. A. Gibson, who first being duly sworn deposed and says that, Raheem Oquendal Grant, did within this county and state on the December 7th, 2019 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Assault and Battery 1st Degree
16-3-600 (C)

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

On December 7th, 2019 around 2347 hours, while at 871 Riverland Dr, which is in the City and County of Charleston, SC, the aforementioned defendant, Raheem Oquendal Grant, did knowingly, willingly, and unlawfully, violate South Carolina Code of Law 16-3-600 (C) Assault and Battery 1st Degree, to wit:

On December 7th 2019 at approximately 2258 hours, the Charleston Police Department responded to 871 Riverland Dr (James Island County Park) in reference to a Carjacking in progress. As Officers were responding dispatch advised that there was a male in the victim's vehicle attempting to steal it with a two-week old baby in the back seat. Charleston County Sheriff's Office Deputy's (CCSO) were working the Festival of Lights at this location and also got dispatched to the call and arrived on scene first. CPD was notified by dispatch that CCSO Deputy Auer arrived on scene and the defendant, who was later identified as Raheem Oquendal Grant, was face down on the ground being held down by the victim at which time the defendant was detained.

The victim, Jorje Fuentes advised that he was sitting in the back seat of his vehicle (2013 Kia Optima [REDACTED]) changing his infants diaper, when the defendant entered the driver seat. The defendant sat in the driver seat looked at Jorje and locked the doors. Jorje baby's mother, April Ross was outside the vehicle and observed the defendant get in the driver seat. April Ross yelled at the defendant to get out of the car then Jorje also told the defendant to get out of the car at which time the defendant was looking at Jorje and said "this is my car" and locked the doors to the vehicle.

DECD 1250M

Continued on page 2



ORIGINAL

NCIC/TIN/FILE

SWORN TO AND SUBSCRIBED BEFORE ME

THIS

9

DAY OF

Dec.

2019

OFFICER INITIALS

AFFIANT

180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

SIGNATURE OF JUDGE

(L.S.)

COMPLAINT # 19-18636

WARRANT # 20191207-0100347

INVESTIGATING OFFICER: Det. Galka

CPD Form OT3

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

PAGE 2 of 2

The defendant proceeded to use the push to start button to start the car. At that time Jorje reached forward to shut the car off and the defendant struck Jorje in the face with a closed fist multiple times causing minor abrasions and Jorje's glasses to break.

At this point Jorje and the defendant got into a physical altercation in the vehicle as Jorje was attempting to keep the defendant from shifting the vehicle into drive. As Jorje and the defendant were in a physical inside the vehicle April opened the door from the exterior with her key at which time a concerned citizen came over and assisted getting the defendant out of the vehicle. Jorje exited the vehicle and assisted the concerned citizen with restraining the defendant as he was attempting to flee the scene. Jorje restrained the defendant until police arrived and detained him.

Jorje identified the person who entered his car when he was inside as the male who Officers had detained, who is the defendant. April also identified the person that Officers had detained as the individual who she observed get into the driver seat of her car.

In a search incident to arrest the defendant was found to be in possession of a debit card that had the name Raheem Grant on it. Officers ran this name through DMV and confirmed with his SC DMV photo that this was in fact the same person as who was arrested.

Based on the witness and victim identifying the defendant as the male that attempted to steal their car, and the defendant punching the victim in the face multiple times during the commission of the vehicle theft, this affiant believes probable cause exists to charge the defendant with Assault and Battery 1st Degree (16-3-600 (C)).

The above is true and believable based on the investigation of Detective Galka and the Charleston Police Department.

 ORIGINAL

THIS

9

DAY OF

Dec.

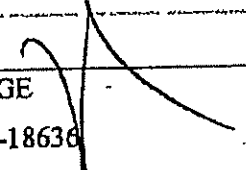
2019


AFFIANT

180 Lockwood Blvd.

Charleston, SC 29403

843-577-7434


SIGNATURE OF JUDGE

(L.S.)

COMPLAINT # 19-18638

WARRANT # 2019A102610397

INVESTIGATING OFFICER: Det. Galka

DECC 1:25PM

NCIC THWALS

OFFICER INITIALS


ARREST WARRANT

2019A1010206380

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

THE STATE

against

Rahcem Oquendal Grant

Address:

Phone:

Sec M:

DL State:

DOB:

Prosecuting Agency:

Protecting Officer:

Offense:

Offense Code:

Code/Ordinance Sec:

This warrant is

County/

Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

RETURN WARRANT TO:

General Sessions

Charleston County Judicial Center

100 Broad Street, Suite 106

Charleston, SC 29401

DEPENDANT COPY

DEPENDANT COPY

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Charleston

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about

in the following particulars:

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

AFFIDAVIT

DEFENDANT COPY

Form Approved by
Attorney General
April 11, 2005
SCCA 515

who

violates the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

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☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

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Charleston

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Carjacking / Take or attempt a vehicle from person by force without great bodily harm

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☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

Charleston

DESCRIPTION OF OFFENSE:

Carjacking / Take or attempt a vehicle from person by force without great bodily harm

on or about 12/7/2019

did violate the criminal laws of the State of South Carolina (or ordinances of

☒ County/ ☐ Municipality of

Rule 5 - Pg.13 of 90

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, Sgt. Steven Hood, who first being duly sworn deposed and says that, Raheem Oquendal Grant, did within this county and state on the December 7th, 2019 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Carjacking
(16-3-1075)

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

On December 7th, 2019 around 2347 hours, while at 871 Riverland Dr, which is in the City and County of Charleston, SC, the aforementioned defendant, Raheem Oquendal Grant, did knowingly, willingly, and unlawfully, violate Carjacking South Carolina Code of Law 16-3-1075, to wit;

On December 7th 2019 at approximately 2258 hours, the Charleston Police Department responded to 871 Riverland Dr (James Island County Park) in reference to a Carjacking in progress. As Officers were responding dispatch advised that there was a male in the victim's vehicle attempting to steal it with a two-week old baby in the back seat. Charleston County Sheriff's Office Deputy's (CCSO) were working the Festival of Lights at this location and also got dispatched to the call and arrived on scene first. CPD was notified by dispatch that CCSO Deputy Auer arrived on scene and the defendant, who was later identified as Raheem Oquendal Grant, was face down on the ground being held down by the victim at which time the defendant was detained.

The victim, Jorje Fuentes advised that he was sitting in the back seat of his vehicle (2013 Kia Optima) changing his infants diaper, when the defendant entered the driver seat. The defendant sat in the driver seat looked at Jorjie and locked the doors. Jorjie baby's mother, April Ross was outside the vehicle and observed the defendant get in the driver seat. April Ross yelled at the defendant to get out of the car then Jorjie also told the defendant to get out of the car at which time the defendant was looking at Jorjie he said "this is my car" and locked the doors to the vehicle.

Continued on page 2

SWORN TO AND SUBSCRIBED BEFORE ME

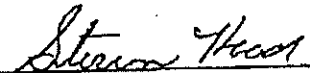
THIS 8 DAY OF December, 2019

 (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 19-18636

WARRANT #

INVESTIGATING OFFICER: Det. Galka



AFFIANT

180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

CPD Form OT3

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, Sgt. Hood, who first being duly sworn deposed and says that, Raheem Oquendal Grant, did within this county and state on the December 7th, 2019 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Carjacking
(16-3-1075)

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

Continued from page 1

The defendant proceeded to use the push to start button to start the car. At that time Jorjie reached forward to shut the car off and the defendant struck Jorjie in the face with a closed fist multiple times causing minor abrasions and Jorjie glasses to break.

At this point Jorjie and the defendant got into a physical altercation in the vehicle as Jorjie was attempting to keep the defendant from shifting the vehicle into drive. As Jorjie and the defendant were in a physical inside the vehicle April opened the door from the exterior with her key at which time a concerned citizen came over and assisted getting the defendant out of the vehicle. Jorjie exited the vehicle and assisted the concerned citizen with restraining the defendant as he was attempting to flee the scene. Jorjie restrained the defendant until police arrived and detained him.

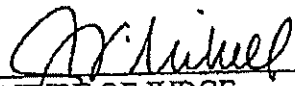
Jorjie identified the person who entered his car when he was inside as the male who Officers had detained. April also identified the person that Officers had detained as the individual who she observed get into the driver seat of her car.

In a search incident to arrest the defendant was found to be in possession of a debit card that had the name Raheem Grant on it. Officers ran this name through DMV and confirmed with his SC DMV photo that this was in fact the same person as who was arrested.

Continued on page 3

SWORN TO AND SUBSCRIBED BEFORE ME

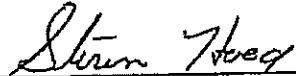
THIS 8 DAY OF , 2019

 (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 19-18636

WARRANT #

INVESTIGATING OFFICER: Det. Galka



AFFIANT
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

CPD Form OT3

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appear before me, a magistrate of this county one, Sgt. Hood, who first being duly sworn deposed and says that, Raheem Oquendal Grant, did within this county and state on the December 7th, 2019 violate the criminal laws of the State of South Carolina in the following particular:

DESCRIPTION OF OFFENSE

Carjacking
(16-3-1075)

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth and that such probable cause is based on the following facts:

Continued from page 2

Based on the witness and victim identifying the defendant as the male that attempted to steal their car, the defendant punching the victim in the face multiple times and the defendant attempting to place the vehicle into drive this affiant believes probable cause exists to charge the defendant with Carjacking, 16-3-1075.

The above is true and believable based on the investigation of Detective Galka and the Charleston Police Department.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 8 DAY OF December, 2019

Michael (L.S.)
SIGNATURE OF JUDGE

COMPLAINT # 19-18636

WARRANT #

INVESTIGATING OFFICER: Det. Galka

Stuart Hood

AFFIANT
180 Lockwood Blvd.
Charleston, SC 29403
843-577-7434

CPD Form OT3

DOCKET NO. 2020-GS-10-01107

The State of South Carolina
County of Charleston

FILED

3/16/2020 3:47:42 PM
JULIE J. ARMSTRONG
CLERK OF COURT

COURT OF GENERAL SESSIONS
MARCH TERM 2020

THE STATE

VS.

RAHEEM OQUENDAL GRANT A.K.A.
Raheem Grant, Raheem O Grant
B/M DOB: [REDACTED]

Indictment for

ASSAULT & BATTERY, 1ST DEGREE

SC Code § 16-03-0600(C)(1)
CDR Code 3412

SBL/0362909
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-18636

ARREST WARRANT NUMBER

2019A1020100397

DATE OF ARREST

12/08/2019

ACTION OF GRAND JURY

TRUE BILL

Forfeiture of Grand Jury

MAR 02 2020

VERDICT

Forfeiture of Petit Jury

Date

RECEIVED
Mar 10 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

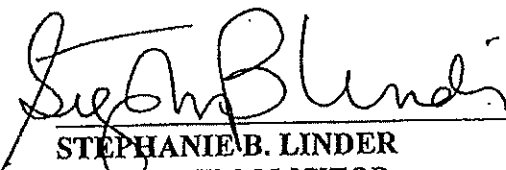
INDICTMENT

At a Court of General Sessions, convened March 2020, the Grand Jurors of Charleston County present upon their oath:

ASSAULT & BATTERY, 1ST DEGREE

That in Charleston County, South Carolina, on or about December 7, 2019, the Defendant, Raheem Oquendal Grant, did commit an unlawful act of injury upon the victim, Jorje Fuentes, and the act either (1) involved nonconsensual touching of the private parts of the victim, either under or above clothing, with lewd and lascivious intent; or (2) occurred during the commission of a robbery, burglary, kidnapping, or theft; or (3) the defendant offered or attempted to injure the victim with the present ability to do so, and the act was accomplished by means likely to produce death or great bodily injury; or occurred during the commission of a robbery, burglary, kidnapping, or theft. This is in violation of Section 16-3-600(C)(1) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


STEPHANIE B. LINDER
ASSISTANT SOLICITOR

SBL/0362909
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-18636

ARREST WARRANT NUMBER

2019A1010206380

DATE OF ARREST

12/08/2019

CLERK OF GRAND JURY
TRUE BILL

Foreperson of Grand Jury:

MAR 02 2020

Date

VERDICT

Foreperson of Petit Jury

Date

DOCKET NO. 2020-GS-10-01108

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
MARCH TERM 2020

THE STATE

VS.

RAHEEM OQUENDAL GRANT A.K.A.
Raheem Grant, Raheem O Grant
B/M DOB: [REDACTED]

Indictment for

CARJACKING

SC Code § 16-03-1075(B)(1)
CDR Code 2599

FILED

3/16/2020 3:47:42 PM
JULIE J. ARMSTRONG
CLERK OF COURT

RECEIVED

Mar 10 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

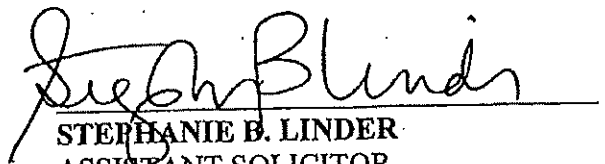
INDICTMENT

At a Court of General Sessions, convened March 2020, the Grand Jurors of Charleston County present upon their oath:

CARJACKING

That in Charleston County, South Carolina, on or about December 7, 2019, the Defendant, did take, or attempt to take, a motor vehicle from Jorje Fuentes by force and violence or by intimidation while Jorje Fuentes was operating the vehicle or inside of the vehicle in violation of Section 16-3-1075(B)(1) of the South Carolina Code of Laws (1976) as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided


STEPHANIE B. LINDER
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

RAHEEM OQUENDAL GRANT,

Defendant

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Warrant No(s): 2019A1020100397;
) 2019A1010206380

DEFENSE BRIEF

RECEIVED

Mar 10 2023

SC Court of Appeals

Re: (I) The procedure of the case, (II) pre-trial and trial witnesses, and (III) pre-trial motions

Raheem Grant is charged with Carjacking and Assault and Battery in the First Degree in Charleston County. He is in the Charleston County jail on a bench warrant, served on September 21, 2022, and his trial is scheduled for the week February 27, 2023, having rolled onto the trial docket based on the age of his case. The alleged victim, Jorge Fuentes, is unavailable for trial, having died in a car crash while drunk driving on August 9, 2020. He is the only alleged victim named in Raheem Grant's indictment for Carjacking (2020-GS-10-01108) and his indictment for Assault and Battery in the First Degree (2020-GS-10-01107). The State extended a plea offer to Raheem Grant of a cap of 10 years on Carjacking, and on October 31, 2022, he rejected it. Furthermore, on November 11, 2022, Raheem Grant filed a complaint against his attorney with the South Carolina Supreme Court's Office of Disciplinary Counsel based on the delays associated with his trial date, and on November 11, 2022, Doctor Bill Mulbry found Raheem Grant competent to stand trial. This trial brief addresses Raheem Grant's case procedure, witness list, and pre-trial motions, and a copy of it will be filed with the Charleston County Clerk after the jury is sworn for Raheem Grant's trial.

2023 FEB 27 AM 11:22
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

I. CASE PROCEDURE

- ❖ On December 8, 2019, the State arrested Raheem Grant for Carjacking and Assault and Battery in the First Degree, and a Charleston County Magistrate Court subsequently set a surety bond of \$75,000 for the Carjacking charge and a surety bond of \$7,000 for the Assault and Battery in the First Degree charge.
- ❖ On July 18, 2020, Raheem Grant posted bond on his pending charges.
- ❖ On March 16, 2020, the Charleston County Grand Jury indicted Raheem Grant for Carjacking (2020-GS-10-01108) and Assault and Battery in the First Degree (2020-GS-10-01107), naming Jorge Fuentes the only victim of the crimes.
- ❖ On February 11, 2022, the General Sessions Court issued a bench warrant for Raheem Grant's arrest based on his failure to appear in court, and on September 21, 2022, Raheem Grant was arrested on the bench warrant. Before that, Raheem Grant served 223 days in jail from the date of his arrest on December 8, 2019, before posting bond on July 18, 2020.

II. WITNESS LIST

The Defense has placed under subpoena the following individuals associated with Raheem Grant's pending charges in Charleston County, and it will potentially call them as witnesses during his trial or for any pre-trial matters.

- **Eye-Witnesses**
 - Jorge Fuentes – Deceased
 - Ashley Ann Vander-Ploeg
 - Codi Lin Dennis
 - April Vanessa Ross

- **Charleston County Sheriff's Office**
 - Mary (Beth) E. Auer
Sergeant
 - Robert Haslip
Deputy
- **Charleston Police Department**
 - Brandon E. Parker
 - Brandon Windham
 - Adam M. Beaver
 - Zachary Ansari
 - Michael P. Galka
Detective
 - Michael Christophersen
Detective
 - Tanya M. Duby-Gritzuk
Detective
 - Lucas R. Huffman
Detective
 - Randal L. Unterbrink
Crime Scene Investigation
- **Medical University of South Carolina**
 - Alyssa Cotto
Registered Nurse
 - Jessica Leigh Casey
Physician's Assistant
 - Adrian L. Gadsden
Release of Records Specialist
 - Leigh Watkins
Release of Records Specialist
- **Charleston County Parks and Recreation**
 - Kristen Procopio-Allen

Park Manager
James Island County Park

- Christine Volousky
Director of Human Resources

- **Ninth Circuit Solicitor's Office**
 - Jonathan Glenn
Investigator
- **Charleston County Public Defender's Office**
 - Gary Combs
Investigator
 - Courtney Kinowski
Paralegal

III. Pre-Trial Motions

1. Pre-Trial Motion to Suppress Statements by the Unavailable Alleged Victim

Raheem Grant respectfully requests that the General Sessions Court suppress the recorded statements made by Jorge Fuentes to police during their investigation of Raheem Grant's case. Jorge Fuentes made several recorded statements to police during their investigation of the case that resulted in Raheem Grant's pending charges in Charleston County. However, Jorge Fuentes is unavailable to appear as a witness in Raheem Grant's trial, having died in a car crash while drunk driving on August 9, 2020. As a result, the Court should suppress as evidence Jorge Fuentes' recorded statements to police because they are hearsay and their use as evidence at Raheem Grant's trial would violate his right under the 6th Amendment to the U.S. Constitution to confront his accuser in court.

A. Confrontation

The recorded statements made by Jorge Fuentes to police during their investigation of Raheem Grant's case are inadmissible as evidence at Raheem Grant's trial because, if

admitted, they would violate his constitutional right to confront and call witnesses. Under the 6th Amendment to the U.S. Constitution, a defendant in a criminal case has “the right to confront and call witnesses,” and the U.S. Supreme Court and South Carolina Supreme Court have determined that to mean the defendant shall have a right to cross-examine the witnesses accusing him of committing a crime. *Crawford v. Washington*, 541 U.S. 36 (2004); *State v. Gracely*, 399 S.C. 363 (2012). Here, Jorge Fuentes is unable to testify at Raheem Grant’s trial because he is dead. This means Raheem Grant cannot cross examine Jorge Fuentes about the recorded statements he made to police during their investigation of his case. Therefore, the admission of the statements as evidence at Raheem Grant’s trial would violate his constitutional right to confront and call witnesses based on the U.S. Supreme Court and South Carolina Supreme Court’s interpretation of the 6th Amendment to the U.S. Constitution.

B. Hearsay

The recorded statements made by Jorge Fuentes to police during their investigation of Raheem Grant’s case are inadmissible hearsay under the South Carolina Rules of Criminal Procedure (SCRcrimP) because they meet the requirements of the definition for the evidentiary term proscribed by the Rules and they do not meet the requirements of the hearsay exceptions in the Rules. Hearsay is defined in the Rules as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Rule 801(c), SCRcrimP. It is not admissible as evidence at trial unless it meets the requirements of a hearsay exception, Rule 802, SCRcrimP, and the exceptions relevant to Raheem Grant’s case are delineated in Section 804 of the Rules for situations where the declarant is unavailable. Specifically, the Rules

define unavailability as "unable to be present or to testify at the hearing because of death," Rule 804(a)(4), SCRcrimP, and they allow the admissibility of hearsay evidence at trial, if the "unavailable" declarant's statement is former testimony, a statement under belief of impending death, a statement against interest, or a statement of personal or family history. Rule 804(b)(1)-(4), SCRcrimP.

Here, the recorded statements made by Jorge Fuentes to police during their investigation of Raheem Grant's case are hearsay. They were not made by Jorge Fuentes in court, and the State would be offering them as evidence at Raheem Grant's trial to prove that Raheem Grant intended to assault Jorge Fuentes to steal his car. Also, Jorge Fuentes' statements to police before Raheem Grant's trial do not meet the requirements of the hearsay exceptions listed in Rule 804(b)(1)-(4), despite him being an unavailable declarant under Rule 804(a)(4). In other words, Jorge Fuentes' pre-trial statements to police are not former testimony, statements under belief of impending death, statements against interest, or statements of personal or family history, as required by Rule 804(b)(1)-(4), to be hearsay admissible at trial by an unavailable declarant. Thus, Jorge Fuentes' pre-trial statements to police should be excluded as hearsay under Rule 802.

2. Pre-Trial Motion to Suppress a Portion of the Defendant's Statements to Police

Raheem Grant respectfully requests that the Court suppress a portion of his recorded statement to Detective Lucas Huffman of the Charleston County Police Department. Under the 5th Amendment to the U.S. Constitution, a defendant has a right to remain silent. The United States Supreme Court has held that "a defendant in a criminal case is deprived of due process of law if his conviction is founded, in whole or in part, upon an involuntary confession, without regard for the truth or falsity of the confession."

Jackson v. Denno, 378 U.S. 368, 376 (1964). To introduce a statement produced during custodial interrogation, the prosecution must prove by a preponderance of the evidence that the statement was made freely and voluntarily, and taken in compliance with *Miranda v. Arizona*, 384 U.S. 426 (1966). *State v. Von Dohlen*, 322 S.C. 234, 243, 471 S.E.2d 689, 694 (1996). A lawful waiver of a person's right to remain silent has two distinct dimensions. It must be "voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception," and it must be "made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it." *Moran v. Burbine*, 475 U.S. 412, 421 (1986); see also *State v. Middleton*, 288 S.C. 21, 25, 339 S.E.2d 692, 694 (1986).

In South Carolina, a trial court must examine the totality of the circumstances surrounding a person's custodial statement to determine if it was voluntary.¹ Specifically, the South Carolina Court of Appeals has said that "the test for determining whether a defendant's confession was given freely, knowingly, and voluntarily focuses upon whether the defendant's will was overborne by the totality of circumstances surrounding the confession. *State v. Moses*, 390 S.C. 502, 513, 702 S.E.2d 395, 401 (Ct. App. 2010). Moreover, the South Carolina Supreme Court has said that when a suspect invokes his right to remain silent, law enforcement must scrupulously honor it. *State v. Aleksey*, 343 S.C. 20, 31, 538 S.E.2d 248, 253, 2000 (citing *Michigan v. Mosley*, 423 U.S.

¹ Courts have recognized appropriate factors that may be considered in a totality of the circumstances analysis: background; experience; conduct of the accused; age; maturity; physical condition and mental health; length of custody or detention; police misrepresentations; isolation of a minor from his or her parent; the lack of any advice, to the accused of his constitutional rights; threats of violence; direct or indirect promises, however slight; lack of education or low intelligence; repeated and prolonged nature of the questioning; exertion of improper influence; and the use of physical punishment, such as the deprivation of food or sleep. *State v. Goodwin*, 384 S.C. 588, 601, 683 S.E.2d 500, 507 (Ct. App. 2009); *State v. Miller*, 375 S.C. 370, 378, 652 S.E.2d 444, 448 (Ct. App. 2007); *State v. Compton*, 366 S.C. 671, 680, 623 S.E.2d 661, 666 (Ct. App. 2005); *State v. Crawley*, 349 S.C. 459, 463, 562 S.E.2d 683, 685 (Ct. App. 2002).

96, 46 L. Ed. 2d 313 (1975)). However, the suspect must clearly articulate his desire to end the interrogation, before a law enforcement officer is required to stop his or her questioning, which may be inadmissible hearsay evidence. *Id.*; *State v. Washington*, 431 S.C. 619, 623, 848 S.E.2d 794, 796 (2020). Nonetheless, law enforcement officers may speak with a suspect who subsequently reinitiates communication after an invocation of his right to remain silent. *Aleksey*, 343 S.C. at 31.

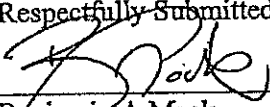
In *Aleksey*, the South Carolina Supreme Court concluded that the appellant's statement, "That's all I've got to say" was not an unequivocal invocation of his right to discontinue questioning and remain silent. 343 S.C. at 31, 538 S.E.2d at 253. The Court reasoned that the statement was ambiguous because it could either be interpreted as the appellant's desire to discontinue questioning or simply end his story. *Id.* Moreover, the Court determined that even if the statement is interpreted to be an invocation of the appellant's right to remain silent, "it is uncontroverted that the appellant himself reinitiated the conversation with law enforcement by asking them if he could talk further" for the purpose of helping a friend. *Id.*

Here, Raheem Grant invoked his right to remain silent after speaking with Detective Lucas Huffman of the Charleston Police Department for 10 minutes and 22 seconds. Specifically, Detective Huffman asks Raheem Grant, "Do you know where the rental was from? Like, Enterprise Rental, Avis, do you remember which one?" In response, after speaking with Detective Huffman for 10 minutes and 22 seconds, Raheem Grant states, "I'm done. I feel like you trying to get me, you know, I'm done." Detective Huffman then states, "No, I'm just trying to see what. . ." only to be cut off by Raheem Grant, who restates, "I'm done. I'm done." In response, Detective Huffman states,

"Listen, the reason why – Can I tell you why I was looking?" resulting in Raheem Grant restating, "I'm done."

Accordingly, Raheem Grant invoked his right to remain silent by stating "I'm done," to Detective Huffman while being interrogated by him. Raheem Grant's statement, "I'm done. I feel like you trying to get me," is an unambiguous expression of his desire to discontinue questioning, unlike the appellants statement, "That's all I've got to say," in *Aleksey*, which could be interpreted as simply the appellant's desire to end his story. Moreover, after stating "I'm done," Raheem Grant does not reinitiate the conversation with Detective Huffman. In fact, he restates "I'm done" to Detective Huffman, who attempts to reinitiate the conversation by continuing to ask Raheem Grant questions about his case, to defeat his will, as prohibited in *Moses*. In particular, Detective Huffman asks Raheem Grant, "Can I tell you why I was looking?" after Raheem Grants says "I'm done" on four separate occasions. Therefore, the Court should suppress the statements Raheem Grant made to Detective Huffman after 10 minutes and 22 seconds as evidence at trial based on Raheem Grant's unambiguous expressed desire to remain silent under the 5th Amendment to the U.S. Constitution, and it should suppress, as inadmissible hearsay per *Washington*, 431 S.C. at 623, the question by Detective Huffman that resulted in Raheem Grant stating, "I'm done," which is "Do you know where the rental was from? Like, Enterprise, Avis, do you remember which one?"

Respectfully Submitted,


Benjamin A Mack
Attorney for Raheem Grant

Date: 2.23.23

2023 FEB 27 AM 11:22
JULIE J. ARMSTRONG
CLERK OF COURT
KLN

FILED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA,

vs.

RAHEEM GRANT,

DEFENDANT.

IN THE GENERAL SESSIONS COURT
FOR THE NINTH JUDICIAL CIRCUIT

Warrant Numbers: 2019A1010206380;
2019A1020100397

Indictment Number: 2020-GS-10-01107;
2020-GS-10-01108

Charge: Carjacking; Assault and Battery
First Degree

Defense Motion

JULIE J. ARMSTRONG
CLERK OF COURT

2023 MAR -2 AM 9:50

FILED

RE: Jury charge for trial

Raheem Grant, through his attorney, Benjamin A. Mack, respectfully moves the General Sessions Court for an Order in favor of reviewing and reading the following jury instruction for the culpability phase, and if necessary, the mitigation phase of the Defendant's case. Raheem Grant is entitled to an advanced review and reading of the Court's written jury instructions in order to protect his Constitutional rights of effective assistance of counsel, due process of law, equal protection of the law, confrontation of the State's evidence, and freedom from cruel and unusual punishment. U.S. Const, amends. V, VI, VIII, and XIV.

Duty of Judge

- I remind you that, during this trial, you and I have certain duties to perform. As the trial judge, it is my responsibility to preside over the trial of this case, and I also have the duty to rule on the admissibility of the evidence offered during this trial.

- You are to consider only the evidence before you. You are to consider only the testimony which has been presented from this witness stand, any exhibits which have been made a part of the record in this case, and any stipulations of counsel.
- I have the additional duty to charge you with the law applicable to this case. It is your duty as jurors to accept and apply the law as I now state it to you. If you think you have any idea as to what the law is or what the law ought to be and it does not agree with what I tell you the law is, you must forget that idea because you are sworn to accept the law and apply the law exactly as I state it to you.

Judges of the Facts

- Jurors are the sole judges of the facts.
- A trial judge cannot state, comment on, or make any statement to a trial jury about the facts in a case.
- Since you, the jury, are the sole judge of the facts in this case, you are not to infer from what I have said during the progress of this trial in ruling upon the admissibility of evidence, or otherwise, or anything that I say now during the course of this instruction to you, that I have any opinion about the facts in this case.
- The law does not allow me to have an opinion about the facts in this case.
- This is a matter solely for you, the jury, to determine.
- As jurors, it is your duty to determine the effect, value, weight, and truth of the evidence presented during this trial.

Charge, Arrest, and Indictment Are Not Evidence

- I remind you that the fact that Defendant was arrested, charged, and indicted in this case is not evidence in this case and cannot be considered by you as evidence of guilt in this case, nor does it create any presumption or inference of guilt.
- The indictment document is simply the formal written notice which contains the charge made against the Defendant. It is the formal document by which this case is brought into this Court.
- The indictment in this case alleges two offenses against the Defendant. The charge is: Indictment 2020-GS-10-01107 and 2020-GS-10-01108; Carjacking and Assault and Battery First Degree.

Presumption of Innocence

- The Defendant has pleaded not guilty to these indictments, and that plea puts the burden on the State to prove the Defendant guilty beyond a reasonable doubt.
- A person charged with committing a criminal offense in South Carolina is never required to prove himself innocent.
- It is an important rule of law of this country that the Defendant in a criminal trial will always be presumed to be innocent of the crime for which he is indicted unless and until his guilt has been proven by evidence that satisfies you of that guilt beyond a reasonable doubt.
- The presumption of innocence is not a mere legal theory. It is not just a legal phrase. It is a substantial Constitutional right to which every Defendant is entitled. This presumption of innocence accompanies the Defendant from the time he is charged throughout the trial unless and until you reach a verdict of guilt beyond a reasonable doubt.

Reasonable Doubt

- The State has the burden of proving the Defendant guilty beyond a reasonable doubt.
- Some of you may have served as jurors in civil cases, where you were told that it is only necessary to prove that a fact is more likely true than not true, such as by the greater weight or preponderance of the evidence. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.
- There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.
- Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. Reasonable doubt has also been defined as the kind of doubt that would cause a reasonable person to hesitate to act.
- If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, then you must find the Defendant guilty.
- If on the other hand, you think there is a real possibility that a Defendant is not guilty, then you must give that Defendant the benefit of the doubt and find him not guilty.

Defendant Not Testifying

- I instruct you and emphasize that the fact the Defendant did not testify is not a factor to be considered by you in any way in your deliberation and in your consideration on the question of the guilt or the innocence of the Defendant. It must not be considered by you in any manner whatsoever.
- A Defendant has a Constitutional right to remain silent, and the assertion of this right must not be considered by you in your deliberations. I repeat, under your oath, you are to draw no conclusion whatsoever from the fact that the Defendant in this case did not testify. The fact that this Defendant did not testify should not even be discussed in the jury room. The burden

of proof, as I have Stated to you, is on the State. The Defendant is not required to prove his innocence. The burden of proof remains on the State to prove guilt beyond a reasonable doubt.

Direct and Circumstantial Evidence

- There are two types of evidence which are generally presented during a trial — direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.
- Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence. However, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the Defendant's behavior as suspicious, the proof has failed.
- The State has the burden of proving the Defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Credibility of Witnesses

- You must determine the credibility of witnesses who have testified in this case.
- Credibility simply means believability. It is your duty as jurors to analyze and to evaluate the evidence and determine which evidence convinces you of its truth.
- In determining the believability of witnesses who have testified in this case, you may believe one witness over several witnesses or several witnesses over one witness. You may believe

the testimony of a witness in its entirety or reject the testimony of a witness in its entirety.

You may believe a part of the testimony of a witness and reject the remaining part of the testimony of that same witness. If you reject part, you may still accept the remainder of a witness' testimony.

- You may consider whether any witness has exhibited to you any interest, bias, prejudice, or other motive in this case. You may consider the appearance and demeanor of a witness while on the witness stand.
- You are not bound to decide the case based on the number of witnesses a side produces.

Statement of the Defendant

- A statement alleged to have been made by the defendant has been admitted into evidence in this case. While the Court has determined that the statement is admissible, I instruct you that you make the ultimate decision of whether or not the defendant made the statement. If the defendant did make the statement, you must determine whether the statement was made by the defendant voluntarily and of his own free will. This means that the statement was not caused by pressure, force, fear, threats, coercion, or intimidation, or by hope or a promise of leniency or a reward of any kind. In determining whether the statement was voluntary, you should consider both the characteristics of the defendant and the details of the questioning. Some the factors that you must consider are: (1) the age of the defendant; (2) the defendant's education or lack of education; (3) the defendant's mental ability or capacity; (4) the defendant's I.Q. or intelligence; (5) the defendant's background and environment; (6) the place and length of detention; (7) the nature of the questioning; and (8) the advice, or lack thereof, to the defendant of his constitutional rights including, but not limited to, the right to remain silent, that any statement could be used against him in a court of law, the right to have

a lawyer present during questioning; that if he could not afford a lawyer, a lawyer would be appointed to represent him without any cost that he could stop making a statement at any time. You must carefully consider all the surrounding circumstances before you any weight to the alleged statement.

- The State has the burden of proving beyond a reasonable doubt that the alleged statement was voluntary. If you determine it was, you may give the statement any further consideration that you deem proper. You must decide what weight, if any, should be given to the alleged statement. If you determine that alleged statement was not the free and voluntary statement of the defendant, you should not consider the statement at all.

Intent

- To establish criminal liability, criminal intent is required. For example, the mental state required to be proven by the State for a particular crime might be purpose, intent, knowledge, recklessness, or criminal negligence. Criminal intent must be proven by the State beyond a reasonable doubt. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. There is no way to prove intent to a mathematical certainty. There is no way medical science can dissect a person's brain and determine what the person had in mind, so the law says that criminal intent may be inferred from the circumstances shown to have existed. This is how you make a determination of whether or not the element requiring intent was present. It is not necessary to establish intent by direct and positive evidence, but intent may be established by inference in the same way as any other fact by taking into consideration the acts of the parties and all the facts and circumstances of the case.

- Criminal intent is a mental state, a conscious wrongdoing. It is up to you to determine what the defendant intended to do based on the circumstances shown to have existed.
- Criminal intent can arise from action or a failure to act. It may arise from negligence, recklessness, or an indifference to duty or to consequences that are considered by the law to be the equivalent of criminal intent.

Multiple Charges

- The indictments in this case allege several different charges against the defendant. The charges are:
 - Indictment # 2020-GS-10-01107 for Assault and Battery First Degree.
 - Indictment # 2020-GS-10-01108 for Carjacking.

Offenses

Carjacking § 16-3-1075

- The Defendant is charged with Carjacking. To prove Carjacking, the State must prove beyond a reasonable doubt that the defendant took, or attempted to take, a motor vehicle from another person by force and violence or by intimidation while the person was operating the vehicle or while the person was in the vehicle.

Assault and Battery § 16-3-600

- Assault and Battery – First Degree - § 16-3-600(c): The Defendant is charged with Assault and Battery in the First Degree.
 - To prove the offense of Assault and Battery in the First Degree, the State must prove beyond a reasonable doubt that the Defendant unlawfully injured another person and that act either: involved nonconsensual touching of the private parts of an adult, either under

or above clothing; with lewd and lascivious intent; or occurred during the commission of a robbery, burglary, kidnapping, or theft.

- Private parts means the genital area or buttocks of a male or female or the breasts of a female.
- A person may also commit the offense of Assault and Battery in the First Degree if a person unlawfully offered or attempted to injure another person with present ability to do so.
- In order to prove the offense of Assault and Battery in the First Degree by the above means, the State must prove beyond a reasonable doubt that the Defendant had the present ability to attempt to injure another person and that ability is accomplished either by means likely to produce death or great bodily injury; or occurred during the commission of a robbery, burglary, kidnapping, or theft.
- Great bodily injury means bodily injury which causes a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.
- Assault and Battery – Third Degree - § 16-3-600(e)
 - If you find that the State has failed to prove that the Defendant committed Assault and Battery in the First Degree, you may then consider whether the State has proved beyond a reasonable doubt that the Defendant committed Assault and Battery in the Third Degree.
 - In order to prove the offense of Assault and Battery in the Third Degree, the State must prove beyond a reasonable doubt that the Defendant unlawfully injured another person, or offered or attempted to injure another person with the present ability to do so.

Defenses

- Accident: The defendant has raised the defense of accident.
 - An act may be excused on the ground of accident if it is shown that the act was unintentional, that the defendant was acting lawfully, and that reasonable care was used by the defendant in handling himself.
 - For example, if a person is lawfully armed in self-defense, and the gun accidentally discharges, the defense of accident would apply.
 - The burden is on the State to prove beyond a reasonable doubt that act was not an accident but was caused by the negligence or carelessness on the part of the defendant or by unlawful activity by the defendant.
- Mistake of Fact: The defendant has raised the defense of mistake of fact.
 - The State must prove beyond a reasonable doubt that the defendant intended to commit Carjacking and Assault and Battery in the First Degree. However, where a person, in ignorance or honest mistake as to a fact, commits an act which, but for the mistake, would be a crime, there is not criminal intent, and the person cannot be found guilty of the crime.
 - An example of a possible mistake of fact would be if I took someone's umbrella, mistakenly thinking that it was my umbrella.

Punishment

- In determining your verdict of guilty or not guilty, you cannot consider any possible penalty for any particular crime.
- The punishment for the crime is a matter for me to determine and should never be considered by you in any way whatsoever in arriving at a verdict of guilty or not guilty.

Verdict

- Your verdict must be unanimous. That means all 12 of you need to agree as to the charge.

Copy of Charge in the Jury Room

- I will give you a copy of these instructions in written form. During your deliberations, you may refer to the instructions to guide your decision-making. You must consider the instructions as a whole and not follow some and ignore others. Please return the instructions to the Court at the time your verdict is rendered.

Respectfully Submitted,



Benjamin A. Mack
Attorney for the Defendant

Charleston, South Carolina

Dated: 3.1.23

FILED
2023 MAR -2 AM 9:50
JULIE J. ARMSTRONG
CLERK OF COURT
RY

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

RAHEEM OQUENDAL GRANT,

Defendant

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Warrant No(s): 2019A1020100397;
) 2019A1010206380

DEFENSE MOTION

BY KLN

JULIE J. ARMSTRONG
CLERK OF COURT

2023 FEB 27 AM 11:22

FILED

Re: A Request for Specific Discovery

Raheem Grant, through his attorney, Benjamin A. Mack, respectfully requests that the State of South Carolina disclose specific discovery associated with his pending Carjacking and Assault and Battery in the First Degree charge in Charleston County. Under the 14th Amendment to the U.S. Constitution, a criminal defendant is entitled to due process of law. Accordingly, in *Brady v. Maryland*, the U.S. Supreme Court held that "The suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. 83, 87, 83 S.Ct. 1194, 1196-1197 (1963). Also, the Court has said that a difference does not exist between exculpatory and impeachment evidence for purpose of satisfying the *Brady* requirements. *Kyles v. Whitley*, 514 U.S. 419, 433, 115 S.Ct. 1555, 1565 (1995)(citing *United States v. Bagley*, 473 U.S. 667, 87 L.Ed. 2d 481 (1985)).

Furthermore, under the relevant procedural rules in South Carolina, "the prosecution shall permit the defendant to inspect and copy books, papers, documents, photographs, tangible objects, buildings or places, which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by

the prosecution as evidence in chief at trial[.]” Rule 5(a)(1)(C), SCRCrimP. In addition the rules state that, “if prior to or during trial, a party discovers additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule, he shall promptly notify the other party or his attorney or the court of the existence of the additional evidence or material. Rule 5(c), SCRCrimP.

CASE PROCEDURE

- ❖ On December 8, 2019, the State arrested Raheem Grant for Carjacking and Assault and Battery in the First Degree, and a Charleston County Magistrate Court subsequently set a surety bond of \$75,000 for the Carjacking charge and a surety bond of \$7,000 for the Assault and Battery in the First Degree charge.
- ❖ On December 11, 2019, Raheem Grant requested the discovery associated with his case from the State by way of a filing with the Charleston County Clerk of Court under Rule 5 of the South Carolina Rules of Criminal Procedure.
- ❖ On or about February 22, 2023, the State supposedly met with April Ross, who is an eye-witness to the incident resulting in Raheem Grant’s pending charges in Charleston County and the significant other of the unavailable alleged victim in the case.
- ❖ On February 23, 2023, the State filed a Pre-Trial Brief with the General Sessions Court stating that April Ross heard Raheem Grant threaten her with the statement, “This is my car now,” which is a claim not previously alleged in the discovery provided to Raheem Grant, so far. Moreover, the pre-trial brief does not mention any verbal or physical threats allegedly made by Raheem Grant toward the unavailable alleged victim in the case.

DEFENDANT'S REQUEST OF THE STATE

Accordingly, the State is officially on notice and should disclose to Raheem Grant the following information related to his case under Rule 5(a) and (c) of the South Carolina Rules of Criminal Procedure: Any reports, recordings, transcripts, memorandums, or notes regarding, April Ross' meeting with representatives of the State on or about February 22, 2023, including but not limited to, those generated by Assistant Solicitor Anna Outen of the Ninth Circuit Solicitor's Office, Assistant Solicitor Stephanie Linder of the Ninth Circuit Solicitor's Office, and Investigator John Glenn of the Ninth Circuit Solicitor's Office. This request is being made for the purpose of potentially impeaching April Ross if she testifies at trial that she heard Raheem Grant threaten her with the statement, "This is my car now," which is a claim not previously alleged in the discovery provided to Raheem Grant, so far, It also is being made for the purpose of potentially impeaching April Ross, if she testifies that Raheem Grant made other verbal or physical threats toward her or the unavailable alleged victim.

Respectfully Submitted,



Benjamin A Mack.

Attorney for Raheem Grant

Charleston, South Carolina

Dated: 6-25-23

2023 FEB 27 AM 11:28
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

FILED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

RAHEEM OQUENDAL GRANT,
Defendant

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

) Warrant No(s): 2019A1020100397;
) 2019A1010206380

DEFENSE MOTION

2023 FEB 27 AM 11:21
JULIE J. ARMSTRONG
CLERK OF COURT
BY ELN

FILED

Re: For pre-trial jury *voire dire*

Pursuant to S.C. Code § 14-7-1020, Raheem Grant, through his attorney, Benjamin A. Mack, respectfully requests the following of the General Sessions Court: (1) That prior to *voire dire* the entire jury panel swear to tell the truth; (2) that the following questions be asked of the individual members of the jury panel; (3) that each juror be asked to stand and identify themselves by name and juror number, prior to answering the following questions; and (4) that any inquiry about the specifics of responses given by jurors be conducted on the record, at the bench, and outside the presence of the entire jury panel.

Questions for the Jury Panel

1. Are you or any members of your immediate family or personal friends employed by the Charleston County Solicitor's Office or another county Solicitor's Office in South Carolina?
2. Are you or any members of your immediate family or personal friends employed by the Charleston County Sheriff's Office, the Charleston Police Department or another law enforcement agency?
3. Are you or any members of your immediate family or personal friends employed by the Medical University of South Carolina?

4. Are you or any members of your immediate family or personal friends employed by James Island County Park or Charleston County Parks and Recreation?
5. Do you belong to or contribute to any civic groups, like Mothers Against Drunk Driving (MADD), People Against Rape (PAR), Citizens Advocating Decency and Return to Ethics (CADRE), Darkness to Light, Citizens Against Violent Crime (CAVE), South Carolina Victim Assistance Network (SCVAN), the Dixie Republic, Proud Boys or the 6th Regiment South Carolina Volunteers?
6. Have you or any of your friends or relatives ever been a victim of a violent crime?
7. Have you or any of your friends or relatives ever been assaulted or seriously injured, either by accident or by someone alleged to be criminally responsible?
8. Have you or any of your friends or relatives been a victim of carjacking or robbery?
9. Has any member of the jury panel previously served on a jury, either for a criminal or civil matter?
10. Have you seen or heard any publicity, whether through news publications, social media, or blogs, regarding Raheem Grant's case?
11. Would you believe the witness testimony of a police officer over that of others simply because that witness is employed as a police officer?
12. Would you believe the witness testimony of an alleged victim over others simply because that witness claims to be a victim?
13. Do you have any connection through friends or family to the State's witnesses?
14. Has any member of the jury panel already formed an opinion about Raheem Grant's case?
15. Are you aware of any reason whatsoever why you could not be fair and impartial to Raheem Grant?

16. Do you believe that the State of South Carolina does not have the burden of proof in a criminal case and that Raheem Grant must prove his innocence?

Respectfully Submitted,


Benjamin A. Mack
Attorney for Raheem Grant

Charleston, South Carolina

Date: 2-26-23

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JULIE J. ARMSTRONG
CLERK OF COURT

BY KLN

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
State of South Carolina,)
)
)
v.)
)
Raheem Oquendal Grant,)
)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

Warrant #: 2019A1010206380
Warrant #: 2019A1020100397

Indictment #: 2020-GS-10-00108
Indictment #: 2020-GS-10-00107

Appearances

For the State:

Mariana C. Outten, Assistant Solicitor

Stephanie B. Linder, Assistant Solicitor

For the Defendant:

Benjamin Mack, Assistant Public Defender

Karla Martinez, Assistant Public Defender

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JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	Warrant #: 2019A1010206380
State of South Carolina,	)	Warrant #: 2019A1020100397
	)	
	)	Indictment #: 2020-GS-10-00108
v.	)	Indictment #: 2020-GS-10-00107
	)	
Raheem Oquendal Grant,	)	
	)	STATE'S PRETRIAL BRIEF
	)	
<u>Defendant.</u>	)	

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STATEMENT OF THE CASE

I. Procedural History

On December 7, 2019, at approximately 11:30 p.m., Charleston County Consolidated Dispatch received a report of a carjacking in progress in Parking Lot B at the James Island County Park, in the city and county of Charleston. On this date, the Holiday Festival of Lights was being held at the James Island County Park. The park falls within the City of Charleston Police Department's ("CPD") jurisdiction, but Charleston County Sheriff's Office ("CCSO") had deputies working the Holiday Festival of Lights off-duty. Because CCSO deputies were closer to the scene, they were the first responders. Upon arriving in Parking Lot B, deputies met with victims Jorge Fuentes and April Ross in reference to the carjacking. By the time deputies arrived, the Defendant had been subdued by Mr. Fuentes and an unknown bystander. Deputies placed the Defendant in handcuffs and waited for CPD officers to arrive.

When CPD officers arrived on scene, the Defendant was placed in their custody and transported to MUSC for medical treatment. He was charged with Carjacking and Assault & Battery 1st degree. The Defendant was subsequently indicted for Carjacking and Assault & Battery 1st degree.

II. Factual Summary

On December 7, 2019, Jorge Fuentes, April Ross, and their two children [REDACTED] and [REDACTED] drove from Walterboro, South Carolina, to Charleston in order to attend the annual Holiday Festival of Lights at the James Island County Park. The Holiday Festival of Lights has two components: a holiday-themed drive through light show and Santa's Village. Santa's Village contains several activities for families such as taking photographs with Santa Claus and making s'mores. In order to access Santa's Village, attendees must first drive

through the lights show. There are then three different parking lots (A, B, C) where attendees can park and then walk to Santa's Village.

Mr. Fuentes, Ms. Ross, [REDACTED], and [REDACTED] arrived at James Island County Park and drove around the lights show before going to Santa's Village, primarily so that they could get pictures of their children with Santa Claus. They parked their car in Parking Lot B. Ms. Ross and [REDACTED] exited the vehicle in order to remove [REDACTED] stroller from the trunk. Mr. Fuentes got into the back seat of the vehicle to change [REDACTED] diaper. While Ms. Ross opened the trunk and removed the stroller from the back, the Defendant came from behind her, ran past her, and got into the driver's seat of her vehicle, shutting the door behind him. Ms. Ross approached the driver's side window, tapped on it, and told the Defendant that he was in the wrong vehicle. The Defendant looked at her, stated "this is my car now," locked the doors, cranked up the car, and threw it into gear.

Mr. Fuentes, still in the backseat, reached through the middle of the driver and passenger seats and attempted to put the car back into park. As he came through to the front seat, the Defendant struck the side of his head several times, leaving lacerations on his face and breaking the left arm of his eyeglasses off completely. Ms. Ross, observing what was going on inside of the vehicle, began calling out for help. Ashley Vander Ploeg and Codi Dennis walked up on the scene. When they heard Ms. Ross screaming for help, Ms. Vander Ploeg called 911. At the same time, Ms. Ross was able to unlock the vehicle and open the driver's side door. Another bystander saw what was going on and approached to remove the Defendant from the car. The Defendant fought back against the bystander, refusing to get out of the vehicle. Eventually, the bystander was forcibly able to remove him. Once he was removed, Mr. Fuentes came through

the front seat of the vehicle. Mr. Fuentes and the bystander were able to subdue the Defendant until CCSO deputies arrived on scene.

When CCSO deputies arrived on scene, the Defendant was lying face down in the gravel and sand parking lot. Deputies detained the Defendant. In an effort to identify the Defendant, deputies searched his person. The only thing located by officers was a debit card in his pocket. When CPD officers arrived on scene, they took custody of the Defendant. Officers with CPD were able to confirm his identity by running his name through the jail website.

EMS was called to attend to all parties. Mr. Fuentes declined medical treatment. The Defendant was transported to MUSC. Ms. Ross, Mr. Fuentes, Ms. Vander Ploeg, and Ms. Dennis all remained on scene and provided both informal and formal statements to officers which were recorded. The bystander who removed the Defendant from the scene was no longer present when law enforcement arrived. After receiving treatment, the Defendant was booked at Al Cannon Detention Center in the early morning hours of December 8, 2019.

STATE'S PRETRIAL MOTIONS

I. Exclusion of Evidence of Defendant's Intoxication

The State moves to exclude evidence the Defendant was intoxicated at the time of the crime because it is irrelevant and prejudicial. Further, should such testimony be admitted it should have to come in through the Defendant or someone else with personal knowledge.

In the early morning hours of December 8, 2019, the Defendant was admitted to MUSC for medical treatment. Physician's assistant Jessica Leigh Casey ordered an ethanol alcohol test, which was performed at 1:42 a.m. The result of the alcohol test was that the Defendant's blood alcohol was 175.4 milligrams per deciliter. This translates to roughly .18 blood alcohol content. This report came by way of a search warrant served by Investigator John Glenn with the Ninth Circuit

Solicitor's office. This report does not provide information on who tested the sample, or any other individuals within MUSC who may have handled it. It is marked "ETHANOL IS INTENDED TEST FOR CLINICAL USE ONLY."

On December 9, 2019, Detective Huffman with CPD responded to the Charleston County Detention Center to get the Defendant's statement. The interview began at 3:59 p.m. The Defendant admits that he "was drunk as hell." However, he denies having a drinking problem and does not relay to Detective Huffman what time he drank on December 7, nor does he relay how much he had to drink.

When officers responded to the scene on December 7, there was discussion among them of whether the Defendant may have been intoxicated. On scene, no law enforcement personnel observed the smell of alcohol on the Defendant's breath, despite the fact that many of them were in close proximity to the Defendant. The lay witnesses are also consistent on this point; they did not smell any alcohol on the Defendant. Further, there was no evidence found on the Defendant's person that suggested, at that time, he had been drinking prior to the incident.

The State moves to exclude this evidence on several grounds: (1) the evidence is not relevant under Rule 401 because voluntary intoxication is not a defense to Carjacking or Assault & Battery 1st degree; (2) even if the Court deemed the evidence relevant, it should be excluded under Rule 403 because it would confuse and mislead the jury; (3) even if the Court finds it is not prejudicial under Rule 403, the evidence should not come in unless someone with personal knowledge is called to testify; (4) the information from MUSC lab report (as well as the report itself) should be excluded because there is no chain of custody; and (5) the MUSC lab report should not come in without an expert to explain what the Defendant's level of intoxication would have meant.

A. Relevance of Defendant's Intoxication

The Defendant's intoxication is not relevant because voluntary intoxication is not a viable defense in South Carolina. "Relevant evidence is any evidence having any tendency to *make the existence of any fact that is of consequence* to the determination more probable or less probable than it would be without the evidence." Rule 401, SCRE (emphasis added). Evidence which assists the jury of arriving at the truth of an issue is relevant and admissible, State v. Lyles, 379 S.C. 328, 336-7, 665 S.E.2d 201, 206 (Ct. App. 2008). As a threshold matter, the Defendant's intoxication does not satisfy the relevance standard. The Defendant carjacked Mr. Fuentes and assaulted him in his car in front of at least four witnesses. Whether or not he was intoxicated at the time does not make it more or less likely that he perpetrated the carjacking or assault on Mr. Fuentes.

B. Evidence of the Defendant's Intoxication would be prejudicial

Even if the Court finds the evidence of the Defendant's intoxication to be relevant, it should be excluded because it is prejudicial and it would mislead or confuse the jury. "Relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice...confusion or the issues, or misleading the jury...", Rule 403, SCRE. A party is prejudiced by the introduction of evidence that could reasonably influence the jury's decision. See Lyles, 379 S.C. at 328, 665 S.E.2d at 201. "Unfair prejudice means an undue tendency to suggest a decision on an improper basis." Id. at 338 (citing State v. Gilchrist, 329 S.C. 291, 496 S.E.2d 424 (Ct. App. 1998)). "The general rule is that voluntary intoxication or use of drugs does not constitute a defense to a crime." State v. Hartfield, 300 S.C. 469, 388 S.E.2d 202 (1990). This is true regardless of whether the crime is one of specific or general intent. State v. Vaughn, 268 S.C. 119, 232 S.E.2d 328 (1977). "The effect of drunkenness is known to everyone, and it is as much of a duty to abstain from placing themselves in a condition from which such danger to others is to

be apprehended as it is to abstain from firing into a crowd or doing any other act likely to be attended with dangerous or fatal consequences." *Id.* at 126.

The Defendant cannot raise the defense of voluntary intoxication. Because this would not constitute a defense, allowing evidence about it to come in would only confuse the jury. It could also mislead the jury into believing that this is evidence they should take into consideration in the deliberation of their cases. In cases where evidence of a Defendant's intoxication has come in, it is usually to prove something relevant to the crime. Obviously, this kind of evidence is typically admitted and hotly debated in trials for driving under the influence. There are other examples where the Court has allowed this evidence in, but this is almost always when a Defendant's intoxication has some sort of direct relationship to the crime he is on trial for. This evidence is often admitted in capital murder trials because intoxication is a statutory mitigating circumstance. *See State v. Evans*, 371 S.C. 27, 637 S.E.2d 313 (2006). Here, there is no mitigation for Carjacking or Assault & Battery charges if the Defendant is intoxicated. The admission of the evidence would only provoke sympathy from the jury, or confuse them, and cause them to render their verdict on an improper basis.

C. Personal Knowledge Requirement

If the Court finds this evidence is not prejudicial, the evidence should not come in unless it is elicited through the Defendant or another witness with personal knowledge. "A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter." Rule 602, SCRE. "[W]itnesses may not testify about things outside their first-hand knowledge." *State v. Gibbs*, 431 S.C. 313, 321, 847 S.E.2d 495, 499 (Ct. App. 2020). Here, no officers or witnesses on scene smelled alcohol on the Defendant's person. There is no witness testimony that the Defendant was drinking on December 7, 2019. The only

evidence of the Defendant's statement comes from his statement to Detective Huffman that he was "drunk as hell", that the hospital told the Defendant his blood alcohol was 1.8 (which Detective Huffman had to correct him about) and the MUSC blood report.

Further, the Defendant should not be permitted to testify about what he was told at the hospital. This is hearsay which does not fit any exception. Unless someone with personal knowledge of the Defendant's intoxication testifies, that evidence should not be improperly admitted through witnesses based on hearsay and speculation.

D. Exclusion of MUSC lab report and any information derived from it

Even if testimony about the Defendant's intoxication comes in, the MUSC lab report and any information derived from it should be excluded because chain of custody cannot be established. "A party offering into evidence fungible items such as drugs or blood samples must establish a complete chain of custody as far as practicable." State v. Rowell, 436 S.C. 54, 870 S.E.2d 175 (Ct. App. 2022). The evidence must demonstrate "a reasonable assurance the condition of the items remain the same from the time it was obtained until its introduction at trial." State v. Hatcher, 392 S.C. 86, 708 S.E.2d 750 (2011). The following factors should be considered when evaluating chain of custody: "the nature of the article, the circumstances surrounding the preservation and custody of it, and the likelihood of intermeddlers tampering with it." Id. at 86 (citing United States v. De Larosa, 4350 F.2d 1057 (3d cir. 1971)).

As a preliminary matter, the lab report is marked "ETHANOL TEST IS FOR CLINICAL USE ONLY." This suggests that the lab report is not meant to be used as evidence in a criminal trial. There are also things on this lab report which, without explanation, could be confusing. For example, there is a portion of the report that says "Flag H^". There is no indication on the report what this may mean. Does it mean that the Defendant's test result was high? Or does it mean

something else? Without expert testimony, it's impossible to know. Additionally, this blood sample was not tested by SLED. Blood samples are generally destroyed by MUSC within 24-48 hours. Thus, it is now impossible for the results on this MUSC lab report to be confirmed.

Further, there is no chain of custody for this sample. It does not say on the report who actually drew the blood, or the person who processed the sample. The only name on the lab report is the PA who ordered the test. Without knowing more about this blood sample, there is a distinct possibility that the sample may have been tampered with, or that the results are incorrect. If the State sought to introduce this report, we would have to demonstrate chain of custody, which would include, at a minimum, the person who took the sample and the person who processed it, otherwise it would be a violation of the confrontation clause. Fairness demands that the defense not be able to introduce this report without the same constraints. *See State v. Brewer*, 438 S.C. 37, 882 S.E.2d 156 (2022).

E. Requirement of Expert Testimony

If the MUSC lab report and information derived from it are not excluded, expert testimony should be required to interpret and explain it to the jury. "If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise." Rule 702, SCRE. It is up to the Court to determine whether the subject matter is beyond the ordinary knowledge of the jury. *State v. Jones*, 417 S.C. 319, 790 S.E.2d 17 (Ct. App. 2016). Blood test results "should be accompanied by appropriate expert testimony interpreting them..." *State v. Priester*, 301 S.C. 165, 166, 391 S.E.2d 227, 228 (1990) (citing *State v. Carrigan*, 284 S.C. 610, 328 S.E.2d 119 (Ct. App. 1985)).

This would include someone who either a physician or someone otherwise qualified from personal experience regarding the effects of alcohol on a person. Priester, 301 S.C. at 165.

The meaning of a blood alcohol test measured in milligrams per deciliter is outside the knowledge of the average person. In his statement to Detective Huffman, the Defendant said he was "drunk as hell" and that he was told at the hospital that his blood alcohol content was 1.8. He had to be corrected by Detective Huffman that 1.8 would be lethal. If the Defendant himself didn't understand the meaning of his blood alcohol content as explained by a medical professional, neither will the average juror. If the report, or any information from it, is admitted into evidence without any expert testimony to contextualize it, the jury will have no proper basis to judge what the impact of the intoxication on the Defendant. Thus, the report and all mentions of its contents should be excluded from evidence.

II. Statement of the Defendant

The State moves to be able to introduce the statement made by the Defendant to Detective Huffman on December 9, 2019 because it was voluntarily given and the Defendant was properly Mirandized. "The process of determining whether a statement is voluntary, and thus admissible, is bifurcated; it involves the determinations by both the judge and jury." State v. Miller, 375 S.C. 370, 652 S.E.2d 444 (Ct. App. 2007). The judge must first conduct an evidentiary hearing outside the presence of the jury where the State must show the statement was voluntarily made by a preponderance of the evidence. Id. (citing Jackson v. Denno, 378 U.S. 368 (1964)). A statement obtained as a result of a custodial interrogation is admissible when the Defendant is advised of and voluntarily waives his rights. Id. (citing Miranda v. Arizona, 384 U.S. 436 (1966)). If a suspect is advised of his rights and makes a statement, it is admissible if the State can show by a preponderance of the evidence that his rights were voluntarily waived. Id. Voluntariness is

determined by looking at the totality of the circumstances. Id. The test is whether the Defendant's will is overborne by the circumstances surrounding the given statement, taking into account the characteristics of the accused and details of the interrogation. Id.

The Defendant gave his statement while incarcerated at Al Cannon Detention Center. Before Detective Huffman met with the Defendant, he asked to have jail personnel confirm with him that he wanted to speak to him. The Defendant could have refused to speak with detective at that time. Before any interrogation began, Detective Huffman advised the Defendant of his rights. He provided the Defendant with a standard CPD Miranda card so that he could read along while Detective Huffman read him his rights out loud. Detective Huffman read each right individually and asked the Defendant if he understood after each one. The Defendant responded affirmatively as to each one of his rights. He also signed the Miranda card. Detective Huffman also inquired with the Defendant background information such as where he lived and what his occupation was. His answers were normal and consistent with someone who was not intoxicated, mentally ill, or otherwise incapable of giving a voluntary statement.

About five and a half minutes into the statement, the Defendant says "I don't want to talk about nothing else, that's what happened." "When a suspect invokes his right to remain silent, law enforcement officers must scrupulously honor it." State v. Aleksey, 343 S.C. 20, 538 S.E.2d 248 (2000). However, before law enforcement officers are required to discontinue questioning, the suspect must clearly articulate his desire to end the interrogation. Id. (citing Davis v. United States, 512 U.S. 452 (1994)). "[T]hat's all I've got to say, is not an unequivocal invocation of his right to discontinue questioning. Aleksey, 343 S.C. at 31. In context, the statement may be ambiguous, indicating a desire to discontinue questioning or simply the end of his story. Id.

Here, Detective Huffman and the Defendant were engaged in a back and forth right before he said "that's all I've got to say." The portion immediately before this statement was:

Defendant: I was drunk man, I was drunk as hell.

Detective Huffman: Okay, so you were drunk when it happened?

Defendant: Yeah, and I jumped in the car, jump in the car, and tried to crank up the car. . . no, I never cranked up the car, or nothing, and some dude in the backseat started punching me saying this was his car, and we started arguing about whose car it was and then [inaudible] ... and I'm bloody

Detective Huffman begins to ask a follow up question to ascertain more details of the Defendant's version of events. The Defendant begins to talk over Detective Huffman. It is difficult to hear what the Defendant is saying on the audio recording, except at the end he says "that's everything I want to talk about. I don't want to say nothing else". Detective Huffman then says, "where did it happen at?" and the Defendant replies "I don't want to talk about nothing else. I don't want to talk about nothing else, but that's what happened. Detective Huffman then says "you don't want to tell me where it happened?" The Defendant replies "I don't want to talk about nothing else. I'm done talking." The entire exchange lasted about forty-five seconds, most of which time the Defendant and Detective Huffman were talking over each other.

Before Detective Huffman can respond to the Defendant, the Defendant says something else to him which is inaudible. Detective Huffman asks him to repeat what he said because he didn't hear him. The Defendant does not reply. Detective Huffman follows up by saying, "so you don't want to talk anymore? Can I at least repeat to you what you said to me?" in order to make sure he has accurately understood the Defendant's version of events. Detective Huffman proceeds to repeat the Defendant's statement back to him, asking one follow up question. Instead of saying that he doesn't want to talk anymore, the Defendant responds to this question. The time from the first "I don't want to talk anymore" to the Defendant reinitiating contact is less than two minutes.

The Defendant talks over Detective Huffman, making it difficult for him to fully understand what the Defendant is asking for. Further, as soon as Detective Huffman tries to clarify the Defendant's statement, he begins to talk again. This is not an unambiguous invocation of his right to remain silent.

This can be contrasted with the portion of the statement which takes place a few minutes later, around eleven minutes and fifty seconds into the statement. The Defendant says "I'm done talking. You kept asking me questions and I'm done talking." Detective Huffman replies, "okay, you don't want to say anything else?" The Defendant confirms this, and Detective Huffman ends the interrogation. This shows that had the Defendant unambiguously invoked his right to remain silent earlier in the interview, Detective Huffman would have honored it. Under the totality of the circumstances, the State has shown the Defendant knowingly and voluntarily waived his rights. Thus, the State should be permitted to introduce the Defendant's statement.

III. Exclusion of Evidence from after the Carjacking

Evidence about what happened after the carjacking should be excluded because it is both irrelevant and prejudicial. As stated above, relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE. All relevant evidence is admissible. Rule 402, SCRE. However, "relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice...confusion of the issues, or misleading the jury..." Rule 403, SCRE. "Unfair prejudice means an undue tendency to suggest a decision on an improper basis." Lyles, 379 S.C. 338 (citing Gilchrist, 329 S.C. at 261).

While the carjacking was still ongoing, the Defendant was removed forcibly from the vehicle by a bystander. Witness testimony establishes that he did not easily get out from the car.

He resisted all verbal and physical attempts to be removed from the vehicle. Once he was removed, he continued to engage physically with the bystander and eventually Mr. Fuentes as well. Mr. Fuentes and the bystander had to force the Defendant down into the gravel parking lot in order to subdue him before law enforcement arrived. The Defendant sustained injuries, both as a result of the altercation, and the gravel in the parking lot. The Defendant's injuries were photographed by CPD at the hospital.

The altercation between the Defendant, the bystander, and Mr. Fuentes is not relevant. By all witness accounts, the altercation took place once the Defendant was removed from the vehicle. By the time the Defendant was removed from the vehicle, the carjacking was ostensibly over. Whatever happened outside the vehicle, once the Defendant had been removed from it, has no bearing on what happened inside the vehicle on that night.

However, if the Court finds that the evidence is relevant, it should still be excluded as unduly prejudicial. For one, the bystander was never identified, and Mr. Fuentes is now deceased. Any testimony about the altercation outside the vehicle would be incomplete, and the State would not have the ability to properly rebut it. Further, it could cause the jury to feel sympathetic to the Defendant and acquit him not because they don't think he is guilty, but because they think he doesn't deserve to be convicted after the altercation. Thus, evidence in the form of testimony as well as crime scene photographs of the Defendant's injuries should be excluded or severely limited.

IV. Internal Affairs Matters

It is the State's understanding that the defense intends to introduce portions of Internal Affairs files from officers and deputies who responded to the crime scene on December 7, 2019. The State respectfully requests an in camera hearing before any officer against whom such material will be

introduced in order that the Court may determine the relevancy and admissibility of the information.

Respectfully submitted,



Mariana C. Outten
Assistant Solicitor

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2023 FEB 23 PM 3:54
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

State of South Carolina,)

v.)

Raheem Oquendal Grant,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

Warrant #: 2019A1010206380

Warrant #: 2019A1020100397

Indictment #: 2020-GS-10-00108

Indictment #: 2020-GS-10-00107

STATE'S PROPOSED WITNESS LIST

The State anticipates its case-in-chief to last one and a half days. The following is a list of *potential* witnesses:

April Ross

Ashley Vander Ploeg

Codi Dennis

Detective Michael Galka (Charleston Police Department)

Detective Lucas Huffman (Charleston Police Department)

Detective Tanya Duby (Charleston Police Department)

Officer Zachary Ansari (Charleston Police Department)

Randal Unterbrink (formerly Charleston Police Department)

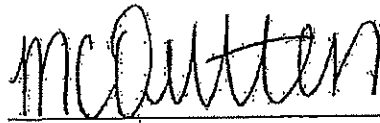
Officer Brandon Windham (Charleston Police Department)

Sergeant Mary Beth Auer (Charleston County Sheriff's Office)

Deputy Robert Haslip (Charleston County Sheriff's Office)

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Respectfully submitted,



Mariana C. Outten
Assistant Solicitor

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2023 FEB 23 PM 3:54

JULIE J. ARSTRONG
CLERK OF COURT

BY _____

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

State of South Carolina,

v.

Raheem Oquendal Grant,

Defendant.

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

Warrant #: 2019A1010206380

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BY

JUDIE J. ARMSTRONG
CLERK OF COURT

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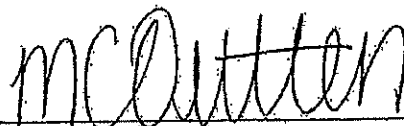
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STATE'S PROPOSED VOIR DIRE

1. Have you, or any member of your family or a personal friend been the victim of any violent crime?
2. Have you, or any member of your family or a personal friend been accused of a violent crime?
3. Have you or any member of your family or a personal friend been incarcerated?
4. Is there anyone that has previously been a witness in a civil or criminal case?
5. Have you or any member of your family or a personal friend had any criminal charges adjudicated by or currently pending with the Ninth Circuit Solicitor's Office?
6. Have you, your relatives, or your close friends had any contact with law enforcement officials that might affect your view of law enforcement?
7. Have you or any member of your family ever been represented by Benjamin Mack, Karla Martinez, or the Charleston County Public Defender's Office?
8. Have you ever been to the Holiday Festival of Lights at James Island County Park?
9. Would any member of the jury panel have any problem following the law as the Judge cites it to you, even if you believe it is inappropriate or unfair?
10. Do you have any personal, political, or religious belief or convictions that would make it difficult for you to sit in judgment of another person?
11. Your duty, if selected as a juror, is to judge guilt or innocence based on the evidence. It is the duty, as judge, to determine punishment if you vote guilty. The law does not permit you to consider the issue of punishment because there are factors having nothing to do with this trial that will determine lenience or harshness. Is there anybody here who would vote "not guilty" no matter what the evidence indicates, merely because this crime may result in a prison sentence?

12. Do you know any reason why you cannot render this Defendant or the state a fair and impartial verdict?

Respectfully submitted,



Mariana C. Outten
Assistant Solicitor

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2023 FEB 23 PM 3:54

JULIE J. ARMSTRONG
CLERK OF COURT

RY _____

FILED

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
2023 FEB 27 AM 11:15) NINTH JUDICIAL CIRCUIT

COUNTY OF CHARLESTON)
JULIE J. ARMSTRONG)
CLERK OF COURT)

Warrant #: 2019A1010206380

Warrant #: 2019A1020100397

State of South Carolina,)
BY KLN)

Indictment #: 2020-GS-10-00108

Indictment #: 2020-GS-10-00107

v.)

Raheem Oquendal Grant,)

State's Response to Assistant Solicitors Outten
and Linder Being Named as Defense Witnesses
and Defense's Specific Discovery Request

Defendant.)

Introduction

The State respectfully submits this Memorandum in response to the Defense's updated pretrial brief naming Assistant Solicitors Mariana C. Outten and Stephanie B. Linder as defense witnesses and the Defense's Specific Discovery Request. The State respectfully requests that Assistant Solicitors Outten and Linder be removed from the Defense's witness list and that the Defense's Motion for Specific Discovery be denied.

On December 8, 2019, the Defendant was arrested for Carjacking and Assault & Battery 1st degree. In late October 2023, a plea was scheduled in this matter in front of Judge Young. The plea did not go forward and the Defendant indicated that he wanted to proceed to trial. On November 16, 2023, Assistant Solicitor Outten indicated to Assistant Public Defender Benjamin Mack that she would be handling prosecution of the case. Discussion ensued about scheduling the case for trial. On January 23, 2023, Assistant Public Defender Mack asked whether it would be acceptable to allow the case to "roll over" onto the February 27, 2023 trial docket. Assistant Solicitor Outten agreed and began preparing for trial.

On January 25, 2023, Assistant Solicitor Outten reached out to Assistant Public Defender Mack to provide him with some updates on the case. These updates included that the State had met with witnesses April Ross and Ashely Vander Ploeg and that their statements were consistent with statements they gave to

law enforcement at the time of the incident.¹ Almost immediately, Assistant Public Defender Mack began asking Assistant Solicitor Outten, both on the phone and over email whether she would provide any sort of notes or report regarding her meetings with these witnesses. Assistant Solicitor Outten repeatedly asserted that she did not prepare any sort of report as a result of this meeting, that the meeting was not recorded, and that her notes were privileged work product under Rule 5(a)(2), SCCrimP.

On February 23, 2023, the State filed its pretrial brief. In the factual recitation, the State recounted that the Defendant told witness April Ross, "this is my car now." Assistant Public Defender Mack reached out to Assistant Solicitor Outten that same day and again requested a report on the meeting with April Ross. On February 24, 2023, Assistant Solicitor Outten replied "...there was no report written during trial prep with April Ross nor was it recorded" and "April's story has been consistent."

Out of an abundance of caution, Assistant Solicitor Outten reviewed her notes from meetings with April Ross, as well as the statement April Ross gave to Detective Galka with the Charleston Police Department on December 7, 2019. It took place immediately following the carjacking, and it was the only time April Ross was interviewed by law enforcement. It should be noted that this statement was only nine minutes long. Upon review, Assistant Solicitor Outten discovered that at no time had April Ross been asked if the defendant said anything to her when the defendant was in her vehicle.² Thus, the statement made by the Defendant constituted an additional detail to Ms. Ross's statement, and her statement was still consistent. Assistant Solicitor Outten also discovered that at the most recent trial prep meeting she had asked Ms. Ross whether she had witnessed the defendant assault Mr. Fuentes in the vehicle. Ms. Ross

¹ Assistant Solicitor Outten copied Assistant Solicitor Linder and Investigator Jonathan Glenn with the 9th Circuit Solicitor's Office on this email. The email asserted "we" have spoken to witnesses, implying that both Assistant Solicitor Linder and Investigator Glenn were present for all conversations.

² Detective Galka asked Ms. Ross whether the defendant said anything to her when he ran past her and jumped in her car, and whether the defendant said anything when he was forcibly removed from the vehicle by a bystander. Ms. Ross responded in the negative, which is consistent with what she relayed to the State in trial preparation meetings.

responded affirmatively. This is also an additional detail, as Ms. Ross was never asked by Detective Galka whether she witnessed an assault.³

On February 24, 2023, Assistant Solicitor Outten informed Assistant Public Defender Mack via email “[b]ased on my thorough review of April’s recorded statement and my notes from our meetings, April has provided two additional details: Defendant said ‘this is my car now’ when she knocked on the window; she witnessed the defendant hit Jorge in the car.”

Analysis

I. Defense’s addition of Assistant Solicitors Outten and Linder to his witness list

The State respectfully requests that Assistant Solicitors Outten and Linder be removed from the Defense’s witnesses list on the ground that they are not necessary witnesses. “A lawyer shall not act as an advocate at trial in which the lawyer is likely to be necessary witness.” SCACR Rule 407, Rule 3.7(a) (emphasis supplied). “The tribunal has the proper objection when the trier of fact may be confused or misled by a lawyer serving as an advocate or witness.” *Id.* at cmt. 2. This is for the protection of the tribunal. *Id.*

The South Carolina Court of Appeals has held “[a]n attorney is ‘likely to be a necessary witness’ when the ‘attorney’s testimony is relevant to disputed, material questions of fact’, and ‘there is no evidence available to prove those facts.’” *Fine Housing Inc. v. Sloan*, 431 S.C. 499, 848 S.E.2d 581 (Ct. App. 2020) (citing *Brooks v. S.C. Comm’n on Indigent Def.*, 419 S.C. 319, 797 S.E.2d 402 (Ct. App. 2017)). Federal Courts have arrived at the same conclusion when dealing with the necessity of a lawyer’s testimony. In *Mills-Hausmann v. McNally S.C.*, the United States District Court for the Southern District of Indiana interpreted the meaning of “necessary witness” as it was used in Indiana’s Rule of Professional Conduct 3.7, which is identical to the South Carolina Rule. 992 F.Supp.2d 885 (2014). The court found “if the evidence that would be offered by having an opposing counsel testify can be elicited through any other means, then the attorney’s testimony is not ‘necessary.’” *Id.* (emphasis supplied).

³ Ms. Ross was asked if she saw anything happening in the car (with no specificity as to timing) and she responded in the negative.

The practice of calling prosecutors as witnesses in cases they are prosecuting is disfavored in South Carolina. State v. Inman, 395 S.C. 539, 720 S.E.2d 31 (2011). The propriety of allowing a prosecutor to testify is largely left within the trial court's discretion. Id. Prosecuting attorneys' testimony has not been allowed except in cases where it is made necessary by the circumstances of the case. Id. The testimony must be relevant and material to the theory of the defense and must not be privileged. Id. (citing Johnson v. State, 23 Md.App. 131, 326 A.2d 38 (Md.Ct.Spec.App. 1974) (citing State v. Lee, 203 S.C. 536, 208 S.E.2d 402 (1943))).

Assistant Public Defender Mack indicated in his brief as well as in emails to the Court and the State that the purpose of calling Assistant Solicitors Outten and/or Linder is based on his belief that they are in possession of discoverable information. Assistant Solicitor Outten has repeatedly asserted to Assistant Public Defender Mack that she is not in the possession of a report or audio recording of her meeting with April Ross. She has indicated that she possesses notes from these meetings. As will be discussed more fully below, Assistant Solicitor Outten's notes from a witness meeting are not discoverable under Brady vs. Maryland or Rule 5, SCCrimP.

Assuming, for the sake of argument, that Assistant Public Defender Mack intends to call Assistant Solicitor Outten or Assistant Solicitor Linder to the stand in order to establish that a meeting took place, they would not be necessary witnesses to this fact. As Assistant Public Defender Mack is aware, Investigator Jonathan Glenn with the Ninth Circuit Solicitor's office was present for the duration of both meetings with April Ross. Thus, any testimony that could be elicited about the fact that a meeting took place could be elicited from Investigator Glenn. Therefore, Assistant Solicitors Outten and Linder are not necessary witnesses.

II. Defense's Specific Discovery Request

The State respectfully requests that the Defense's Motion for Specific Discovery be denied because the State has fully complied with Brady v. Maryland and Rule 5, SCCrimP. Under Brady, prosecutors are required to disclose evidence favorable to the accused whether the evidence is material to either guilt or

punishment. 373 U.S. 83 (1973). Prosecutors “may not suppress material evidence.” U.S. v. Agurs, 427 U.S. 97 (1976). The standard for disclosure is not “any information which might affect the jury’s verdict.” Id. at 109. [Prosecutors] are under no duty to report sua sponte to the defendant all that they learn about the case and their witnesses.” Id.

Under Rule 5, SCR CrimP, the State is required to disclose certain evidence to the defense. However, there is an exception for “reports, memoranda, and other internal prosecution documents made by the attorney for the prosecution or other prosecution agents in connection with the investigation or prosecution of the State.” Rule 5(a)(2), SCR CrimP; State v. Meyers, 359 S.C. 40, 596 S.E.2D 488 (2004). Further, the State is not required to disclose the statement of any witness until after the witness has testified on direct examination. Id. In order to establish a violation under Brady or Rule 5, the Defendant must establish that the evidence the State failed to disclose was (1) favorable to the defendant; (2) in possession of or known to the state; (3) suppressed by the State; (4) material to guilt or punishment. State v. Frazier, 304 S.C. 213, 715 S.E.2d 650 (Ct. App. 2011). Evidence is material if there is a reasonable probability that it will affect the outcome of the proceedings. Id.

As a threshold matter, the Defendant has failed to establish any sort of Brady or Rule 5 violation because the State has now disclosed the additional details provided by Ms. Ross in trial preparation meetings. This was done out of fairness, not because the State has any obligation to provide such material. Based on the Defendant’s representations, it appears that he believes Ms. Ross has “completely changed her story” and he would like additional detail of what Ms. Ross said in meetings with the State. Specifically, in a February 25, 2023 email from Assistant Public Defender Mack to Assistant Solicitor Outten he seeks details of the assault, the context of the threat, when the meeting took place, who was at the meeting, and why Ms. Ross’s story changed.

First, the State completely disagrees with the Defendant’s contention that Ms. Ross’s story has “completely changed.” The details of her story are consistent, save the two details which the State disclosed. These two details are hardly groundbreaking. In her statement to Detective Galka, Ms. Ross states that the Defendant ran past her and jumped in the driver’s seat of her car. She states that she approached the driver’s

side window, knocked, and indicated to that the Defendant he was in her car. The difference between her story then and now is that she now says that the Defendant said, "this is my car now" when she knocked on the window. This is hardly a complete change. There is already evidence which has been disclosed to the Defense that the Defendant said "this is my car." The addition of one word is hardly a change.

Ms. Ross also now asserting that she witnessed the Defendant assault Jorge Fuentes within the vehicle. She was never asked by Detective Galka whether she witnessed the assault in the car, likely because, at that time, no one anticipated that Mr. Fuentes would not be available for trial. Further, the Defendant has been on notice that the State is alleging an assault took place in the car on December 7, 2019. There is ample discovery on this point, including law enforcement reports and Mr. Fuentes's recorded statement, both of which were provided to the defense. Further, the Defendant was indicted for Assault & Battery- 1st degree. Thus, the information that an assault occurred inside the car is not brand new. The only change is that Ms. Ross can testify to it.

As to the further details the Defendant seeks, he should not be permitted to go on a fishing expedition through the State's non-discoverable work product based on a non-specified belief that there may be discoverable information. Now that he is on the notice of the additional details, he has had ample time to prepare a cross examination on the potential changes which can account for the details he seeks. He is also free to cross examine Ms. Ross on why these details were added.

Conclusion

Based on the foregoing, the State respectfully requests that Assistant Solicitors Outten and Linder be removed from the Defense's Witness list and that the Defense's Motion for Specific Discovery be denied.

Respectfully submitted,

FILED

2023 FEB 27 AM 11:15

JULIE J. ARMSTRONG
CLERK OF COURT

BY KLN



Mariana C. Outten
Assistant Solicitor

Interview Between

Interviewer: Detective Huffman

Interviewee: Raheem Grant

Case:

State v. Raheem Grant

File Name:

Raheem O'Quendal Grant.MP3

Interview Conducted On

December 9th

Transcribed By: Always On Time

1 DETECTIVE HUFFMAN: This is Detective Huffman, City of
2 Charleston Police Department. It is December 9th at 3:59 PM.
3 I'm at the Charleston County Detention Center, Intake, inside
4 of their interview room. I'll be speaking with Raheem Grant.
5 What's your middle name, Raheem?

6 RAHEEM GRANT: O'Quendal.

7 DETECTIVE HUFFMAN: Okay. About an incident that
8 occurred, I guess a couple days ago. The case number is 19-
9 18636. First thing first, here's your Miranda Warning card,
10 if you want to read that with me, all right. I'm gonna read
11 them out loud, each of them, okay?

12 After I read each one, I'm gonna ask you if you
13 understand. If you understand, tell me, yes, I understand,
14 okay? If you don't understand, ask me and I'll explain it to
15 you. Any questions about that?

16 RAHEEM GRANT: No.

17 DETECTIVE HUFFMAN: All right. You have the right to
18 remain silent, do you understand?

19 RAHEEM GRANT: Yes.

20 DETECTIVE HUFFMAN: Anything you say can and will be used
21 against you in a court of law, do you understand that?

22 RAHEEM GRANT: Yes.

23 DETECTIVE HUFFMAN: You have the right to talk with a
24 lawyer and have him present during questioning. Do you
25 understand?

1 RAHEEM GRANT: Yes.

2 DETECTIVE HUFFMAN: If you cannot afford to hire a
3 lawyer, one will be appointed to represent you before any
4 questioning, if you wish one. Understand?

5 RAHEEM GRANT: Yes.

6 DETECTIVE HUFFMAN: If you decide to answer questions
7 without a lawyer present, you have the right to stop answering
8 questions at any time you so choose. Do you understand all
9 your rights?

10 RAHEEM GRANT: Yes.

11 DETECTIVE HUFFMAN: All right. So, we're gonna sign
12 this. Again, this is just saying that at 4:00 PM on today, I
13 read you your rights, okay. It doesn't mean that you're
14 admitting to anything. It just means that you understand each
15 of those rights that I read you, okay?

16 RAHEEM GRANT: [crosstalk]

17 DETECTIVE HUFFMAN: If you could sign right there for me.
18 Right there. [pause] Thank you. I'll take that back. All
19 right. So, obviously, we're here because of an incident that
20 happened that you got arrested for, right?

21 RAHEEM GRANT: Right.

22 DETECTIVE HUFFMAN: All right. This is your opportunity
23 to kind of tell me what happened. You know--

24 RAHEEM GRANT: It been a big misunderstanding,
25 really.

1 DETECTIVE HUFFMAN: It was a misunderstanding? Okay.

2 Well, first things first, spell your full name for me.

3 RAHEEM GRANT: R-A-H-E-E-M, O-'-Q-U-E-N-D-A-L, G-R-
4 A-N-T.

5 DETECTIVE HUFFMAN: Date of birth?

6 RAHEEM GRANT: [REDACTED]

7 DETECTIVE HUFFMAN: [REDACTED]?

8 RAHEEM GRANT: Yep.

9 DETECTIVE HUFFMAN: And current address?

10 RAHEEM GRANT: [REDACTED]

11 DETECTIVE HUFFMAN: [REDACTED]?

12 RAHEEM GRANT: Yeah. [REDACTED]

13 DETECTIVE HUFFMAN: [REDACTED]. Any apartment number?

14 RAHEEM GRANT: [REDACTED]

15 DETECTIVE HUFFMAN: All right. What's the zip code
16 there?

17 RAHEEM GRANT: [REDACTED]

18 DETECTIVE HUFFMAN: How about a phone number for you?

19 RAHEEM GRANT: [REDACTED]

20 DETECTIVE HUFFMAN: And do you currently work anywhere?

21 RAHEEM GRANT: No, not right now.

22 DETECTIVE HUFFMAN: Okay. When you do work, do you have
23 a trade or anything that you normally do?

24 RAHEEM GRANT: Yeah. Concrete.

25 DETECTIVE HUFFMAN: Concrete.

1 RAHEEM GRANT: [inaudible]

2 DETECTIVE HUFFMAN: All right. All right. So, go ahead,
3 you said it's kind of a misunderstanding. Can you--can you
4 help me understand what happened?

5 RAHEEM GRANT: It's a lot I can't really recall you
6 know, but anyway, I thought--

7 DETECTIVE HUFFMAN: Do you remember what day it happened
8 on, let's start with that. Today's Monday.

9 RAHEEM GRANT: [pause] I don't know, Saturday,
10 something like that.

11 DETECTIVE HUFFMAN: Saturday, okay. All right.

12 RAHEEM GRANT: Yeah, so they tried to jump in my car
13 and somebody was sitting in the car. And then, like they
14 started punching me and stuff like that, you know what I'm
15 saying.

16 DETECTIVE HUFFMAN: Okay. What kind of car do you have?

17 RAHEEM GRANT: I been driving my girlfriend rental.

18 DETECTIVE HUFFMAN: Girlfriend's rental, what's your
19 girlfriend's name?

20 RAHEEM GRANT: [pause]

21 DETECTIVE HUFFMAN: Raheem, what's your girlfriend's
22 name?

23 RAHEEM GRANT: I call her Tutu.

24 DETECTIVE HUFFMAN: What's her real name though?

25 RAHEEM GRANT: I don't know her real name.

1 DETECTIVE HUFFMAN: Okay. So, her rental car?

2 RAHEEM GRANT: Yeah, silver car.

3 DETECTIVE HUFFMAN: A silver car.

4 RAHEEM GRANT: Uh huh.

5 DETECTIVE HUFFMAN: Silver car, or SUV?

6 RAHEEM GRANT: Car.

7 DETECTIVE HUFFMAN: Car. Do you know what type?

8 RAHEEM GRANT: I can't recall right now.

9 DETECTIVE HUFFMAN: Okay.

10 RAHEEM GRANT: I been drunk man, I been drunk as
11 hell.

12 DETECTIVE HUFFMAN: Okay. So you were drunk when it
13 happened.

14 RAHEEM GRANT: And I jump in the car--jump in the
15 car, I try to crank up the car. You know, I never cranked the
16 car or nothing. Some dude in the backseat and he started
17 punching me and he saying it's his car. We start arguing
18 about who car it is. And then, next thing I know, shit, I'm
19 bloody.

20 DETECTIVE HUFFMAN: Okay. So, how did--how did you get
21 to--

22 RAHEEM GRANT: [crosstalk]

23 DETECTIVE HUFFMAN: Where did it happen at?

24 RAHEEM GRANT: That's all I really want to talk
25 about, I don't want to say nothing else.

1 DETECTIVE HUFFMAN: No, I just said, do you remember what
2 the actual location?

3 RAHEEM GRANT: I don't want to talk about nothing
4 else. I don't want to talk about nothing else, but that's
5 what happened.

6 DETECTIVE HUFFMAN: You don't want to tell me where it
7 happened?

8 RAHEEM GRANT: I don't want to talk about nothing
9 else, I'm done talking. You feel me.

10 DETECTIVE HUFFMAN: I'm just—I'm just asking--

11 RAHEEM GRANT: [crosstalk] back together.

12 DETECTIVE HUFFMAN: I'm sorry, I didn't hear you. I
13 didn't hear what you said, I'm sorry. [pause] So, you don't
14 want to talk anymore? Can I just repeat what you said, told
15 me, that's all?

16 So, you said, you got into what you thought was your
17 girlfriend's car, which is a rental car. And you thought it
18 was yours and you tried to turn it on and some guy—where—where
19 did he come from? Do you remember where he came from? He
20 started hitting you.

21 RAHEEM GRANT: Somebody come from the backseat and
22 then somebody pulled me like, out the car. The car never got
23 cranked or none of that, you know.

24 DETECTIVE HUFFMAN: So, again, I wasn't there, so this is
25 what I'm trying to ask you, when you say he came from the

1 backseat, did he reach over the seat or did he come from and
2 then [crosstalk]

3 RAHEEM GRANT: I don't even remember. I know I was
4 trying to damn-trying to crank up my car and fuckin' music on
5 and stuff. And then, shit--

6 DETECTIVE HUFFMAN: Okay. You had been drinking a lot?

7 RAHEEM GRANT: Yeah.

8 DETECTIVE HUFFMAN: Okay. About how much you had to
9 drink that day, you remember?

10 RAHEEM GRANT: No.

11 DETECTIVE HUFFMAN: I mean, was it a lot, a little? I
12 mean--

13 RAHEEM GRANT: I know there's some alcohol--it was
14 1.8, 1.8 something like that.

15 DETECTIVE HUFFMAN: A 0.18?

16 RAHEEM GRANT: No, 1.8.

17 DETECTIVE HUFFMAN: You talking about blood alcohol
18 level?

19 RAHEEM GRANT: Yeah.

20 DETECTIVE HUFFMAN: It would be a 0.18, not a 1.8. 1.8
21 would be too much. So, where did you get that tested at, at
22 the hospital?

23 RAHEEM GRANT: [crosstalk] Yeah.

24 DETECTIVE HUFFMAN: Oh, okay, when they treated you?

25 RAHEEM GRANT: Yeah.

1 DETECTIVE HUFFMAN: Okay.

2 RAHEEM GRANT: And that's what I don't want to talk
3 about man.

4 DETECTIVE HUFFMAN: No worries man, do you remember what
5 the guy looked like that was in the car?

6 RAHEEM GRANT: No.

7 DETECTIVE HUFFMAN: No?

8 RAHEEM GRANT: I don't remember nothing really.

9 DETECTIVE HUFFMAN: Okay. Was your girlfriend with you
10 at the time? I mean, you said you were in her car, I'm just
11 wondering was she with you?

12 RAHEEM GRANT: She been out there somewhere, I don't
13 know where the fuck she been at.

14 DETECTIVE HUFFMAN: Okay. So, what type of location was
15 it?

16 RAHEEM GRANT: Man, we was at the Lights on James
17 Island. We went to a festival.

18 DETECTIVE HUFFMAN: At the Lights.

19 RAHEEM GRANT: We went to the festival.

20 DETECTIVE HUFFMAN: The Light Festival?

21 RAHEEM GRANT: Yeah.

22 DETECTIVE HUFFMAN: All right. Do you know how long you
23 were out there before all this happened?

24 RAHEEM GRANT: No, I don't know none of that. That
25 night we been having fun.

1 DETECTIVE HUFFMAN: Okay. Been drinking out there, is
2 that where you got drunk at or had you already been drinking
3 before you got there.

4 RAHEEM GRANT: We already been drinking.

5 DETECTIVE HUFFMAN: Already been drinking?

6 RAHEEM GRANT: Yeah.

7 DETECTIVE HUFFMAN: Okay. Do you always drink a lot or
8 is it just happened because you were having fun?

9 RAHEEM GRANT: We always drink a lot.

10 DETECTIVE HUFFMAN: You drink a lot.

11 RAHEEM GRANT: Yeah.

12 DETECTIVE HUFFMAN: Would you say you got a problem? I
13 mean, is it something that you black out with or anything?

14 RAHEEM GRANT: No, uh-uh.

15 DETECTIVE HUFFMAN: No.

16 RAHEEM GRANT: No.

17 DETECTIVE HUFFMAN: Okay.

18 RAHEEM GRANT: I usually handle my liquor pretty
19 well. It just been--man, it just been a misunderstanding. It
20 must have--I thought I got in my whip, so. You know, I thought
21 it been my car, so. That's all.

22 DETECTIVE HUFFMAN: Okay.

23 RAHEEM GRANT: It's so much damn cars out there, so
24 you know.

25

1 DETECTIVE HUFFMAN: Sure. [pause] Do you remember the-
2 you said the guy came from the backseat or something, right?

3 RAHEEM GRANT: He come from behind me, somewhere in
4 the backseat.

5 DETECTIVE HUFFMAN: All right, and he started hitting
6 you?

7 RAHEEM GRANT: Uh huh.

8 DETECTIVE HUFFMAN: Anybody else?

9 RAHEEM GRANT: Some dude pull me out the car and
10 shit too.

11 DETECTIVE HUFFMAN: Same guy that was in the back seat?

12 RAHEEM GRANT: Different dude.

13 DETECTIVE HUFFMAN: Okay. Remember what he look like?

14 RAHEEM GRANT: No, I don't remember what he looked
15 like.

16 DETECTIVE HUFFMAN: So, once you got pulled out, what
17 happened?

18 RAHEEM GRANT: Shit, they whipped my muthafuckin'
19 ass.

20 DETECTIVE HUFFMAN: They did, is that what you said?

21 RAHEEM GRANT: Yeah.

22 DETECTIVE HUFFMAN: Both of them or just one?

23 RAHEEM GRANT: Both of them.

24

25

1 DETECTIVE HUFFMAN: Okay. I know you said you went to
2 the hospital, you said you had like a 0.18 BAC. What all,
3 what happened to you?

4 RAHEEM GRANT: Lacerations, broken nose. My thumb.

5 DETECTIVE HUFFMAN: What happened to your thumb?

6 RAHEEM GRANT: It's sprained or broken, I guess, or
7 whatever.

8 DETECTIVE HUFFMAN: Anything else?

9 RAHEEM GRANT: No, that's it.

10 DETECTIVE HUFFMAN: You said lacerations?

11 RAHEEM GRANT: Broken nose and all that.

12 DETECTIVE HUFFMAN: Uh huh. So, sprained thumb, broken
13 nose, lacerations.

14 RAHEEM GRANT: Uh huh.

15 DETECTIVE HUFFMAN: Anything else? Concussion, anything?

16 RAHEEM GRANT: No, I just had to get stitches and
17 all kinda shit, well--they wanted to give me stitches, but I
18 tell them to put--just, I don't want stitches, so they glued--

19 DETECTIVE HUFFMAN: So, that's why you have the
20 butterflies and stuff on?

21 RAHEEM GRANT: Yeah. Uh huh.

22 DETECTIVE HUFFMAN: Okay. So, do you remember how you
23 got down there to the festival?

24 RAHEEM GRANT: Yeah, I ride with my girl.

25 DETECTIVE HUFFMAN: So, she drove you.

1 RAHEEM GRANT: Uh huh.

2 DETECTIVE HUFFMAN: Okay. And you don't know what kind
3 of car it was?

4 RAHEEM GRANT: Man it been a silver little small car
5 man, I can't remember--

6 DETECTIVE HUFFMAN: A silver small car?

7 RAHEEM GRANT: Yeah.

8 DETECTIVE HUFFMAN: Do you know where the rental was
9 from? Like, Enterprise Rental, Avis, do you remember which
10 one?

11 RAHEEM GRANT: I'm done. I feel like you trying to
12 get me, you know, I done.

13 DETECTIVE HUFFMAN: No, I'm just trying to see what--

14 RAHEEM GRANT: I'm done. I'm done.

15 DETECTIVE HUFFMAN: Listen, the reason why--

16 RAHEEM GRANT: [crosstalk]

17 DETECTIVE HUFFMAN: Can I tell you why I was looking?

18 RAHEEM GRANT: [crosstalk] asking that first, before
19 you even stop this right now.

20 DETECTIVE HUFFMAN: [inaudible]

21 RAHEEM GRANT: Like what you really--what's your
22 purpose in trying to question me like this.

23 DETECTIVE HUFFMAN: Well because you said you got into a
24 car that kinda looked like yours, I'm just trying to figure
25 out what kind of car you're in to see if it's even close.

1 RAHEEM GRANT: I done talking man. Y'all figure all
2 that out by yourself. I know I did nothing wrong.

3 DETECTIVE HUFFMAN: No worries man, no worries.

4 RAHEEM GRANT: I know I did nothing wrong.

5 DETECTIVE HUFFMAN: Okay. But you don't remember what
6 kind of car she had. The rental car. [pause]

7 RAHEEM GRANT: I tell you I been drunk.

8 DETECTIVE HUFFMAN: [pause] All right. You don't
9 remember what kind of car it was though before you got there?

10 RAHEEM GRANT: I been drinking before I get there
11 too.

12 DETECTIVE HUFFMAN: No worries man, but the reason I'm
13 asking is just to see if it's close to the same car that you
14 got into, that's all.

15 RAHEEM GRANT: Obviously it's close to the same car
16 if I jump in the damn car and thought it was the car.

17 DETECTIVE HUFFMAN: That's why I was trying to see--

18 RAHEEM GRANT: I'm not-I don't-I'm not good with car
19 names and stuff like that.

20 DETECTIVE HUFFMAN: Okay, no worries, just know, was it
21 two-door, four-door, do you remember that part?

22 RAHEEM GRANT: [sighs]

23 DETECTIVE HUFFMAN: Like the rental car, was it two-door
24 or four-door? I know you said it was little.

25 RAHEEM GRANT: It might have been a four-door.

1 DETECTIVE HUFFMAN: A four-door, okay.

2 RAHEEM GRANT: I done talking. You keep asking me
3 questions after I say I done talking.

4 DETECTIVE HUFFMAN: [pause] Okay. So, you don't want to
5 say anything else? Don't want to talk about anything else?
6 Having to do with this? You're the one that said you wanted
7 to talk, so that's why I gave you the opportunity.

8 RAHEEM GRANT: Yeah, you come down here, talk to me,
9 shit.

10 DETECTIVE HUFFMAN: I know, but you said you would talk.
11 You said you wanted to give your side.

12 RAHEEM GRANT: Yeah, but I done.

13 DETECTIVE HUFFMAN: Okay. So, you're all done?

14 RAHEEM GRANT: I'm done.

15 DETECTIVE HUFFMAN: Okay, no worries. It is now 4:11,
16 the interview is completed.

17 [end of audio]

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE

VS.

RAHEEM OOUENDAL GRANT

AKA: Raheem Grant, Raheem O Grant

Race: [REDACTED] Sex: [REDACTED] Age: [REDACTED]

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State,

Zip: [REDACTED]

DL#* [REDACTED] SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO: Carjacking

In violation of § 16-03-1075(B)(1) of the S.C. Code of Laws, bearing CDR Code # 2599

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Mariana C. Outten
Mariana C. Outten, Assistant
Solicitor

105320

SC Bar #

Defendant

Attorney for Defendant

102068

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,

for a determinate term of 6 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDoc.
days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020-GS-10-01108

A/W#: 2019A1010206380

Date of Offense: 12/07/2019

S.C. Code §: 16-03-1075(B)(1)

CDR Code #: 2599

SENTENCE SHEET

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SC Court of Appeals

STATE RAHEEM
VS. OOQUENDAL
GRANT

INDICTMENT/CASE#: 2020-GS-10-01108

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☒ Other: ATL

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in Installments)	TBD	\$ 3.75

- ☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Lindsey Helm
Court Reporter: Jamie Bickett

Presiding Judge: _____
Judge Code: 2128
Sentence Date: March 2, 2023

) IN THE COURT OF GENERAL SESSIONS
) FOR THE NINTH JUDICIAL CIRCUIT

VERDICT FORM

RAHEEM OQUENDAL GRANT,

Defendant.

We, the jury, by unanimous consent find the Defendant:

✓ Guilty of Carjacking

OR,

 Not Guilty

Please sign and date

Foreperson

March 2, 2023

SBL/0362909
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

2019-18636

ARREST WARRANT NUMBER

2019A1010206380

DATE OF ARREST

12/08/2019

ASSISTANT CLERK OF GRAND JURY
TRUE BILL

MAR 02 2020

For person of Grand Jury Date:

VERDICT

GUILTY

[Signature] 3/2/23
For person of Petit Jury Date:

DOCKET NO. 2020-GS-10-011108

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

MARCH TERM 2020

THE STATE

VS.

RAHEEM OQUENDAL GRANT A.K.A.

Raheem Grant, Raheem O Grant

B/M DOB: [REDACTED]

Indictment for

CARJACKING

SC Code: § 16-03-1075(B)(1)

CDR Code: 2599

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Mar 10 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened March 2020, the Grand Jurors of Charleston County present upon their oath:

CARJACKING

That in Charleston County, South Carolina, on or about December 7, 2019, the Defendant, did take, or attempt to take, a motor vehicle from Jorje Fuentes by force and violence or by intimidation while Jorje Fuentes was operating the vehicle or inside of the vehicle in violation of Section 16-3-1075(B)(1) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


STEPHANIE B. LINDER
ASSISTANT SOLICITOR