STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
The Honorable Daniel McLeod Coble, Circuit Court Judge

Appellate Case No. 2024-001371

THE STATE, Respondent,

v.

CHRISTOPHER ALEXANDER CRAVETS, Appellant.

FINAL BRIEF OF RESPONDENT

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The court properly admitted Appellant's statements because they were voluntarily given and they complied with Miranda.

STATEMENT OF THE CASE

Appellant was indicted by the Richland County Grand Jury for first-degree burglary, criminal conspiracy, armed robbery, and murder. Appellant proceeded to jury trial on August 12-15, 2024, before the Honorable Daniel McLeod Coble. During pretrial motions, the court permitted the State to amend the indictment for armed robbery to attempted armed robbery. Appellant was convicted of first-degree burglary, criminal conspiracy, and attempted armed robbery. The jury hung on the offense of murder, and a mistrial was declared as to that charge. Appellant was sentenced to serve consecutive terms of life imprisonment for first-degree burglary, five years for criminal conspiracy, and twenty years for attempted armed robbery. A timely notice of intent to appeal was served on March 19, 2024. This Appeal follows.

STATEMENT OF FACTS

On the night of November 25, 2019, Delon Summersett (Victim) was shot and killed in the Columbia home he shared with his longtime girlfriend, Angela Homewood (Homewood). Officers responded to a dispatch regarding a loud noise, glass breaking, and possible shots fired. (R. 85). Homewood testified that she had gone to bed early and she awoke to a loud noise, glass breaking and the alarm going off. (R. 103). She stated that when she went to turn the alarm off, she saw victim in a physical altercation with a tall slender person. (R. 103-106). The person began firing and Homewood ran to her bedroom and hid. (R. 107).

Officers arrived on scene shortly after and found Victim deceased in the hallway. (R. 86). A neighbor's security camera showed three suspects walking past the home, cutting in between Victim's home and the home next door, and heading towards the back of the properties. A few minutes later, glass is heard breaking and shots ring out. (State's Exhibit 31). Law enforcement was able to locate the vehicle that the suspects were riding in through a license plate reader and discovered the vehicle belonged to a woman with the last name Pitt. (R. 197).

A window in the back bedroom was broken out. (R. 138). There were blood stains on the bedroom door that were swabbed for DNA. (R. 138-140). At trial, an expert in DNA testified that the DNA profile developed from the swab from the door came back as a very strong support to the DNA profile of Christopher Cravets (Appellant).

Victim was a graphic designer but had a "side business" selling marijuana. (R. 94-95). Victim had a friend named Ralph Pitt (Pitt) who was involved in the "side business." (R. 96). Law enforcement found a "significant amount" of marijuana in Victim's home. (R. 227). Law enforcement expected a DNA match from the bloodstains in the house to come back to Pitt due to the way the investigation was going, but instead a DNA hit came back to Appellant. (R. 236-237). Warrants were obtained for Appellant's arrest. (R. 237-238).

On or about December 27, 2019, Appellant was arrested in Conyers, Georgia and held at the Conyers Police Department. Investigator Chauncey Duckett (Duckett) with the Columbia Police Department drove to Georgia to interview Appellant. Appellant was interviewed (first interview) and the interview was recorded. (R. 205-210; State's Exhibit 27). Appellant was again interviewed after extradition (second interview), in Columbia, on or about January 28, 2020. That interview was also recorded. (R. 211-225; State's Exhibit 28). At the beginning of both interviews, Investigator Duckett read Appellant his Miranda rights, and got him to sign "Advice of Rights" forms. (R. 367-368).

Appellant made incriminating statements during both interviews. In the first interview he said he went into the home with two others, one of whom broke out the window and shot Victim. Appellant was hesitant to name the other two men; he said he was worried about retaliation against his family. However, he provided nicknames for the two other men. Appellant further stated the crime was planned by Pitt who was the drop-off and getaway driver. (State's Exhibit 27). In the second interview, Appellant again admitted going into the house, but this time he claimed that he was the shooter, and that the other two people he had initially named were not involved. Appellant maintained the crime was set up by Pitt. (State's Exhibit 28).

STANDARD OF REVIEW

The South Carolina Supreme Court recently clarified the appellate standard of review when considering whether a defendant's statement to law enforcement was voluntarily made. "We agree with those jurisdictions that have found the question of voluntariness presents a mixed question of law and fact." State v. Miller, 441 S.C. 106, 119, 893 S.E.2d 306, 313 (2023). "We will review the trial court's factual findings regarding voluntariness for any evidentiary support." Id. "However, the ultimate legal conclusion-whether, based on those facts, a statement was voluntarily made—is a question of law subject to de novo review." Id.

ARGUMENT

1. The court properly admitted Appellant's statements because they were voluntarily given and complied with Miranda.

Appellant argues the trial court erred by admitting Appellant's statements in his second interview. Specifically, Appellant argues that the second interview, statements should have been excluded because the first statement was given at a time when law enforcement knew or should have known that Appellant was too impaired to voluntarily waive his Miranda rights and the statements should have been excluded pursuant to Miranda v. Arizona[1], Jackson v. Denno[2], and Missouri v. Seibert[3].

A statement obtained as a result of custodial interrogation is inadmissible unless the suspect was advised of and voluntarily waived his rights under Miranda v. Arizona, 384 U.S. 436 (1966). In order to introduce into evidence a confession, the State must prove by a preponderance of the evidence that the statement was made freely and voluntarily, and, if the result of custodial interrogation, was taken in compliance with Miranda. See State v. Goodwin, 384 S.C. 588, 601, 683 S.E.2d 500, 507 (Ct. App. 2009). To determine the voluntariness of a statement, the circuit court 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. State v. Simmons, 384 S.C. 145, 162, 682 S.E.2d 19, 28 (Ct. App. 2009). "The trial judge's determination of the voluntariness of a statement must be made on the basis of the totality of the circumstances, including the background, experience, and conduct of the accused." State v. Saltz, 346 S.C. 114, 136, 551 S.E.2d 240, 252 (2001) (citing Schneckloth v. Bustamonte, 412 U.S. 218 (1973)).

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[1] Miranda v. Arizona, 384 U.S. 436 (1966).
[2] Jackson v. Denno, 378 U.S. 368 (1964).
[3] Missouri v. Seibert, 542 U.S. 600 (2004).

In Miranda, the United States Supreme Court (USSC) created procedural safeguards to protect an individual's right against compelled self-incrimination, holding:

> [W]hen an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subjected to questioning . . . [h]e must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.

Miranda, 384 U.S. 436, 478–79. Failure to comply with these constitutional safeguards renders the person's statements inadmissible against that person. Id. The USSC has embraced a flexible approach regarding Miranda warnings whereby courts consider the totality of the circumstances. See Wyrick v. Fields, 459 U.S. 42, 47–49 (1982). The waiver must also be made with the full awareness of 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). The trial judge's determination of whether a statement was knowingly, intelligently, and voluntarily made requires an examination of the totality of the circumstances surrounding the waiver. State v. Doby, 273 S.C. 704, 708, 258 S.E.2d 896, 899 (1979). The critical question is whether the defendant's "will has been overborne [or] his capacity for self-determination critically impaired . . . ." Schneckloth v. Bustamonte, 412 U.S. 218, 225 (1973).

In reviewing a statement given by someone intoxicated, the South Carolina Supreme Court has stated:

> The fact that one is intoxicated at the time a confession is made does not necessarily render him incapable of comprehending the meaning and effect of his words. Therefore, proof that an accused was intoxicated at the time he made a confession does not render the statement inadmissible as a matter of law, unless the accused's intoxication was such that he did not realize what he was saying.

> Proof of intoxication, short of rendering the accused unconscious of what he is saying, goes to the weight and credibility to be accorded to the confession, but does not require that the confession be excluded from evidence.

State v. Saxon, 261 S.C. 523, 529, 201 S.E.2d 114, 117 (1973). See State v. Collins, 266 S.C. 566, 572–73, 225 S.E.2d 189, 193 (1976) ("Proof of accused's intoxication, short of rendering him unconscious of what he is saying, does not require, in every case, that statements he made while in that condition be excluded from evidence."). The mere fact of drug or alcohol use does not preclude a finding of a knowing and voluntary waiver of rights. See United States v. Phillips, 506 F.3d 685 (8th Cir. 2007) (waiver was voluntary despite defendant's claimed intoxication from four ecstasy pills and a cup of brandy).

In this case, Appellant moved pre-trial to suppress evidence of the interrogations as involuntary. The Court held a hearing pursuant to Jackson v. Denno. Investigator Chauncey Duckett testified that Appellant did not seem under the influence at the time of the first interview. He testified he offered him a blanket and made sure he was comfortable throughout the interview, and did not threaten, coerce or promise him anything. (R. 12-42). Counsel for Appellant argued that Appellant was clearly intoxicated and "Mr. Cravets [didn't] have his wits about him. They put some influence on him. If your Honor watches the video, there's influence. 'Hey, we've got to get this straight. We've got to get answers, this family deserves that.' And they get Mr. Cravets feeling a certain way and he makes some incriminating statements that later he has to clear up because he wasn't in his right mind."' (R. 43). Counsel for Appellant further argued that if it weren't for the first statement, the last statement would never have occurred. (R. 44). The State argued that the issue is whether the statement was voluntarily given. He stated that

Duckett reads Miranda, provided Appellant with a blanket, it's a non-threatening environment and he even reassured Appellant that there's going to be no physical violence. (R. 46-47).

After listening to the testimony and reviewing the videos the trial judge denied the motion to suppress the statements made by Appellant. In his ruling he stated:

> I find that all the statements were voluntarily given and the first and second did comply with Miranda. The first statement, Miranda, was given and was properly given, witnessed, signed, verbally and written. Initially[sic], it was a voluntary statement while Mr. Cravets was—appeared to be sleepy, they did give him a minute to collect himself. I find the testimony of Sergeant Duckett credible, that he did not appear under the influence of any alcohol or drugs, but they gave him a minute to gather himself. I reviewed the video here in court with everyone else. He appeared to understand what was going on. He was given water to drink, the opportunity for that. He wasn't threatened or coerced, and I believe it was voluntarily given. As to the third statement[4], even more so, he was given his Miranda Rights all on video, as well as was much more lucid, you could say. So even more so it was voluntarily given, there was no doubt about that at all. He understood what he was doing.

(R. 73-74). By this ruling, it is clear he considered Appellant's "intoxication" as a factor, but ultimately determined it did not render the waiver of his rights involuntary. The trial court properly considered the totality of the circumstances, including Appellant's "intoxication", in determining his waiver of Miranda rights was knowing and voluntary and the statement made in the first interview was admissible.

Even if the first interview had been inadmissible, it would not render the second interview inadmissible because the second statement was also voluntarily given. Appellant was interviewed again on January 28, 2020, at Columbia Police Department. He was given Miranda. Duckett testified that he answered his questions and did not seem impaired in any way. He was provided food and drinks and was unshackled from the table. He was not threatened or promised

[4] There is a second statement that was given in the car that is not relevant to the appealed issue in this case because it was ruled inadmissible.

anything. (R. 20-24, State's Exhibit 28). Even if both of the statements were inadmissible, the admission of the statements was harmless.

"To warrant the reversal based on the admission or exclusion of evidence, the Appellant must prove both the error of the ruling and the resulting prejudice, i.e., that there is a reasonable probability the jury's verdict was influenced by the challenged evidence or lack thereof." State v. Singleton, 395 S.C. 6, 13, 716 S.E.2d 332, 336 (Ct. App 2011). Appellate courts will not set aside convictions due to insubstantial errors not affecting the result. State v. Byers, 392 S.C. 438, 448, 710 S.E.2d 55, 60 (2011). Here, Appellant is arguing that the second statement should have never been admitted. In the first incriminating statement, Appellant places himself at the scene, but states that someone else is the one who shot victim. (State's Exhibit 27). In the second incriminating statement, Appellant again placed himself at the scene; however, that time he stated that he shot the victim by accident. The admission in both of the statements that he was at the scene is harmless because there was DNA evidence that firmly placed him at the scene. (R. 236-237, 271). Further, the admission that he was the shooter was harmless because despite the admission of that statement, the jury did not convict him of murder. Therefore, the trial judge did not err in admitting the statements made by Appellant.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgments and convictions of the lower court should be affirmed.

Respectfully submitted,

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