

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Justin Brodie Granet, Appellant.

Appellate Case No. 2023-000288

Appeal From Beaufort County
Robert J. Bonds, Circuit Court Judge

Unpublished Opinion No. 2026-UP-414
Submitted July 1, 2026 – Filed August 19, 2026

AFFIRMED

James Arthur Brown, Jr., of Law Offices of Jim Brown,
P.A., of Beaufort, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Ambree Michele Muller, both of
Columbia, for Respondent.

PER CURIAM: Justin Brodie Granet appeals his conviction for possession of a weapon during the commission of a violent crime, first-degree assault and battery, and two counts of kidnapping and sentence of twenty years' imprisonment. Granet argues the trial court erred by excluding evidence of the victim's reputation for

violence as inadmissible hearsay when this evidence (1) met an exception to the hearsay rule, or alternatively, fell outside the definition of hearsay, and (2) was not offered for the truth of the matter asserted but to discredit the caliber of law enforcement's investigation or decision to charge Granet. We affirm.

We hold the trial court did not abuse its discretion by excluding the statements in the NCIC reports labeling the victim as armed and dangerous as inadmissible hearsay because the statements were not testimony but were, instead, general descriptions contained in a report and were not specific instances of conduct that Granet could have questioned the victim about during cross-examination.¹ See *State v. Clasby*, 385 S.C. 148, 154, 682 S.E.2d 892, 895 (2009) ("The trial judge has considerable latitude in ruling on the admissibility of evidence and his decision should not be disturbed absent prejudicial abuse of discretion."); *State v. Black*, 400 S.C. 10, 16, 732 S.E.2d 880, 884 (2012) (holding an abuse of discretion occurs when the trial court's decision is unsupported by the evidence or controlled by an error of law); *State v. Edwards*, 384 S.C. 504, 508, 682 S.E.2d 820, 822 (2009) (holding an appellate court "does not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial court's ruling is supported by any evidence"); see also Rule 801(c), SCRE ("Hearsay is 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" (internal quotation marks omitted)); Rule 803(21), SCRE (providing that "[T]he following are not excluded by the hearsay rule, even though the declarant is available as a witness: . . . Reputation of a person's character among associates or in the community."); Rule 803, SCRE, advisory committee's notes ("There is no South Carolina law dealing with [the reputation exception to hearsay]. This section is included in the rules to insure that reputation evidence is not excluded on the basis of hearsay. Rules 404, 405, and 608 deal with when reputation may be admissible." (citation omitted)); Rule 404(a)(2), SCRE ("Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except . . . Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by

¹ Granet cites cases predating the adoption of the rules of evidence to support his argument. See *State v. Hawkins*, 310 S.C. 50, 425 S.E.2d 50 (Ct. App. 1992); *State v. Miller*, 73 S.C. 277, 53 S.E. 426 (1906); *State v. Dean*, 72 S.C. 74, 51 S.E. 524 (1905); *State v. McDaniel*, 68 S.C. 304, 47 S.E. 384 (1904); *State v. Turner*, 29 S.C. 34, 6 S.E. 891 (1888). These cases support the admission of evidence of a victim's reputation for violence, but they do not alter our analysis of the reports as inadmissible hearsay.

the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor."); Rule 405(a), SCRE ("In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by *testimony as to reputation or by testimony in the form of an opinion*. On cross-examination, inquiry is allowable into relevant *specific instances of conduct*." (emphases added)). Although the victim's reputation for violence would be relevant to Granet's self-defense claim and thus potentially admissible under Rule 803(21) and Rule 404(a)(2), Rule 405(a) permits proof of character only by testimony or on cross-examination into relevant specific instances of conduct. The statements at issue here were made in NCIC reports and thus are not testimony. *See Testimony*, *Black's Law Dictionary* (11th ed. 2019) (defining testimony as "[e]vidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition"). Further, Rule 405(a) would not permit Granet to question the victim about this statement during cross-examination because it was a general description rather than a specific instance of conduct. Because the statements that the victim was armed and dangerous were not testimony as to reputation or testimony in the form of an opinion and were not specific instances of conduct, such evidence is not admissible under Rule 405(a) or Rule 803. Therefore, we hold the trial court did not abuse its discretion by excluding the statements contained in the NCIC reports that the victim was armed and dangerous as hearsay not subject to an exception.

Next, as to Granet's argument that the statements in the NCIC reports were not hearsay because the State adopted them by providing them to Granet on the prosecutor's office letterhead and the NCIC reports were being used to discredit the caliber of the investigation, we hold the trial court did not abuse its discretion by excluding the statements. *See* Rule 801(c), SCRE ("Hearsay' is 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(d)(2), SCRE ("A statement is not hearsay if . . . [t]he statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity, or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship"); Rule 608(c), SCRE ("Bias, prejudice or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by

evidence otherwise adduced"). Under *Brady*,² the State is required to "provide to the defendant any evidence in the prosecution's possession that may be favorable to the accused and material to guilt or punishment." *Hyman v. State*, 397 S.C. 35, 45, 723 S.E.2d 375, 380 (2012) (quoting *Porter v. State*, 368 S.C. 378, 384, 629 S.E.2d 353, 356 (2006)). This does not mean that whenever the State provides the defense with evidence in compliance with this precedent that the State adopts all statements contained within the evidence as its own, even if placed on State letterhead. Thus, by providing the defense with the NCIC reports on office letterhead, the prosecutor's office, and thus the State, did not adopt or assert as truthful the statement that the victim was armed and dangerous. Additionally, Granet failed to introduce the NCIC reports prior to or during the cross-examination of law enforcement. Further, Granet had already discredited the caliber of the investigation and the decision to charge Granet through cross-examination of law enforcement. Granet offered the NCIC reports as evidence to prove the truth of the matter asserted: because the victim was listed as armed and dangerous on the NCIC reports, the victim was armed and dangerous during the altercation with Granet, which would have strengthened Granet's self-defense claim. *See* Rule 801(c), SCRE ("Hearsay" is 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"). However, the notes to Rule 803 subsection 803(21) is included in the rules to ensure that reputation evidence is not excluded by the hearsay rule and that Rules 404, 405, and 608 govern the admission of such evidence. As we stated, the statements that the victim is armed and dangerous in the reports are not admissible under Rules 404 or 405. Thus, we hold the trial court did not err in excluding the NCIC reports.

Finally, we hold any error in excluding the statements would be harmless because Granet testified regarding the victim's reputation for violence. *See State v. Curry*, 370 S.C. 674, 680, 636 S.E.2d 649, 652 (Ct. App. 2006) ("To constitute error, a ruling to admit or exclude evidence must affect a substantial right. However, error is harmless where it could not reasonably have affected the trial's outcome." (citations omitted)). Granet and the victim both made comments referring to the victim as an "armed and dangerous" individual. In reference to why he had changed his name when opening a tattoo parlor, the victim testified, "I had a very bad past." When asked if he had ever known the victim to be "dangerous or aggressive," Granet stated, "I mean I knew that he had told me stories of him being a part of different biker gangs[] and some of the violent things that they did as a whole." Granet testified that he saw the victim carry a gun multiple times and that

² *Brady v. Maryland*, 373 U.S. 83 (1963).

it was common for him to carry a gun. Granet was asked "and at that point you'd said that you knew [the victim] had done some bad things and was dangerous and was a big dude. . . at that point, were you concerned about any possible physical altercation that may happen?" to which Granet responded, "I was." Granet further testified that the victim had "violent tendencies" and that Granet felt threatened and was worried about his safety. Thus, the jury was presented with testimony depicting the victim as "dangerous" and known to carry a weapon, even if it was not through the NCIC reports. Accordingly, we further hold that any error in refusing to admit the statements in the NCIC reports was harmless.

AFFIRMED.³

GEATHERS, HEWITT, and VINSON, JJ., concur.

³ We decide this case without oral argument pursuant to Rule 215, SCACR.