

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE GENERAL SESSIONS COURT  
NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA,

INDICTMENT Nos. 2015-GS-10-2684;

2015-GS-10-2685; 2016-GS-10-3318

vs.

RHAJON AKEEM SANDERS,  
Defendant.

**DEFENDANT'S JURY CHARGE  
NUMBER 1**

The State has the burden of proving the defendant guilty beyond a reasonable doubt. The State is required to prove every element of the charged offense by evidence which satisfies the jury of the guilt of the defendant beyond a reasonable doubt. The defendant is not required to prove his innocence. The burden of proof always remain upon the State of South Carolina to prove guilt beyond a reasonable doubt.

What is reasonable doubt in the law? A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act. The term "reasonable doubt" should be given its plain and ordinary meaning. The State has the burden of proving the defendant guilty beyond a reasonable doubt. Some of you have served as jurors in civil cases where you were told that it is only necessary to prove the fact that is more likely than not, 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. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

There are very few things in this world that we know with absolute certainty. In criminal cases, the law does not require proof that overcomes every possible doubt. The law does not require that. If, based on your consideration of the evidence, you are firmly convinced that the

defendant is guilty of the crime charged, you must find him guilty. If on the other hand you conclude there is a real possibility that he is not guilty, you must give the defendant the benefit of the doubt and find the defendant not guilty. Ralph King Anderson, Jr., South Carolina

Requests to Charge - Criminal, 2007, §1-5 Reasonable Doubt

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**DEFENDANT'S JURY CHARGE  
NUMBER 2**

The defendant is presumed to be innocent unless and until the State has established guilt beyond a reasonable doubt. It is a vital, important rule of the law that the defendant in a criminal trial, no matter how grave or serious may be the offense with which he is charged, must always be presumed innocent, unless and until his guilt has been proven beyond a reasonable doubt. A person charged with committing a crime offense in South Carolina is never required to prove himself innocent.

This presumption of innocence is legal proof of innocence. This presumption of innocence remains with the defendant at all times from the moment of his arrest, throughout the trial proceeding, and goes into your jury room and remains with the defendant even then unless and until you, the jury, reach a verdict of guilt based on evidence which the State has presented satisfying you of the defendant's guilt beyond a reasonable doubt. Ralph King Anderson, Jr., South Carolina Requests to Charge - Criminal, 2007, §1-6 Presumption of Innocence.

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**DEFENDANT'S JURY CHARGE  
NUMBER 3**

There are two types of evidence which are generally presented during a trial- direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness.

Circumstantial evidence is proof of a chain of facts, and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty. Ralph King Anderson, Jr., South Carolina Requests to Charge - Criminal, 2007, § 1-8 Direct and Circumstantial Evidence Charge.

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**DEFENDANT'S JURY CHARGE  
NUMBER 4**

What does criminal intent mean in the law? Criminal intent is a state of mind which operates jointly with an act or omission in the commission of a crime. Criminal intent is a mental state of conscious wrongdoing. Criminal intent includes those consequences which (a) represent the very purpose for which an act is done; or (b) are known to be substantially certain to result, regardless of one's desire. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. Criminal intent must be proven by the State beyond a reasonable doubt. Ralph King Anderson, Jr., South Carolina Requests to Charge - Criminal, 2007, § 1-11 Criminal Intent- Definition Direct.

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**DEFENDANT'S JURY CHARGE  
NUMBER 5**

When a person is charged with a crime, the law permits the proof of his good character and reputation, because under some circumstances a person might be entitled to a verdict of not guilty, in taking into consideration his good character and reputation, when without it, a verdict of guilty might be authorized. Evidence of good character and good reputation may in and of itself create a doubt as to guilt and should be considered by the jury, along with all other evidence, in determining the guilt or innocence of the defendant. The weight you give to that testimony, like all other testimony in the case, is for you to determine and decide, in your good judgment.

Evidence of the defendant's good reputation for peace and good order is strongly persuasive of his good character in that respect, and is offered for the very purpose stated by the circuit judge, to show the improbability that the defendant would have committed or did commit the crime charged. *State v. Harrison*, 343 S.C. 165, 170, 539 S.e.2d 71, 73 (Ct. App. 2000).

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**DEFENDANT'S JURY CHARGE  
NUMBER 6**

An attempt is an act done in part execution of a design to commit a crime.

There must be an intent that the act shall be committed, and an act done, not in full execution, but in pursuance of the intent. An attempt is distinguished from preparation to commit it, and also from the intent to commit. The law does not punish the mere entertainment of a criminal intent. To bring the law into action, it is necessary that some act should be done in pursuance of the intent, immediately and directly tending to the commission of the crime—an act which, should the crime be perpetrated, would constitute part and parcel of the transaction, but which does not reach to the accomplishment of the original intent, because it is prevented, or voluntarily abandoned.

In order to constitute an attempt to commit a crime, it is essential that, coupled with the intent to commit the offense, there be some overt act, beyond mere preparation, in furtherance of the intent, and there must be an actual or present ability to complete the crime.

Attempt crimes are generally ones of specific intent such that the act constituting the attempt must be done with the intent to commit that particular crime. In the context of an attempt crime, specific intent means that the defendant consciously intended the completion of acts comprising

the choate offense. In other words, the completion of such acts is the defendant's purpose. Additionally, the State must prove the defendant's specific intent was accompanied by some overt act, beyond mere preparation, in furtherance of the intent, and there must be an actual or present ability to complete the crime. The preparation consists in devising or arranging the means or measures necessary for the commission of the crime. The attempt or overt act is the direct movement toward the commission, after the preparations are made.

Intent is an essential requirement of attempt. What is criminal intent in the law? Criminal intent is a state of mind which operates jointly with an act or omission in the commission of a crime. Criminal intent is a mental state of conscious wrongdoing. Criminal intent includes those consequences which: (a) represent the very purpose for which an act is done; or (b) are known to be substantially certain to result, regardless of one's desire. Intent may be shown by acts and conduct of the defendant and other circumstances from which you may naturally and reasonably infer intent. Criminal intent must be proven by the State beyond a reasonable doubt. Ralph King Anderson, Jr., South Carolina Requests to Charge - Criminal, 2007, § 2-69 Attempt.

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**DEFENDANT'S JURY CHARGE  
NUMBER 7**

The defendant in this case is charged with assault and battery of a high and aggravated nature. What is assault and battery of a high and aggravated nature?

An assault is an unlawful attempt or offer to commit a violent injury upon another person, coupled with the present ability to complete the attempt or offer by a battery. Assault has been defined as placing another in apprehension of harm. While words alone do not constitute an assault, if by words and conduct a person intentionally creates a reasonable apprehension of bodily harm, it is an assault. An assault is an attempt to do violence to the person of another in a rude, angry, or resentful manner. An assault is the intentional creation of fear of immediate bodily harm.

A battery is the use of force against another, resulting in harmful or offensive contact. It is the assault brought to completion. A battery is the unlawful touching or striking of another by aggressor himself or by any substance put in motion by him, done with intention of bringing about a harmful or offensive contact which is not legally consented to by the other, and not otherwise privileged. It is sometimes defined as any injury done to the person of another in a rude, insolent, or revengeful way.

Assault and battery of a high and aggravated nature is an unlawful act of violent injury to another accompanied by circumstances of aggravation. Circumstances of aggravation is an element of assault and battery of a high and aggravated nature. The State must prove a circumstance of aggravation. Examples of circumstances of aggravation include the use of a deadly weapon, the intent to commit a felony, infliction of serious bodily injury, great disparity in the ages or physical conditions of the parties, a difference in gender, taking indecent liberties or familiarities with a female, purposeful infliction of shame and disgrace, and resistance to lawful authority. Any of these circumstances of aggravation may be considered by the jury.

Ralph King Anderson, Jr., South Carolina Requests to Charge - Criminal, 2007, §2-19 Assault and Battery of a High and Aggravated Nature

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**DEFENDANT'S JURY CHARGE  
NUMBER 8**

Self-Defense is a complete Defense. If established, you must find the Defendant not guilty.

There are four elements required by law to establish self-defense. First, the Defendant must be without fault in brining on the difficulty. Second the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury. Third, if his defense is based upon belief of imminent danger, a reasonably prudent person of ordinary firmness and courage would have entertained the same belief. If the Defendant actually was in imminent danger, then the circumstances were such as would warrant a person of ordinary prudence, firmness, and courage to [strike the fatal blow] [shoot the fatal shots] in order to save himself from serious bodily harm or losing his own life. Fourth, the Defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance. These are the elements of self-defense.

A Defendant, in a self-defense case has the right to act on appearances. A defendant must have believed he was in imminent danger, not that he was actually in such danger, because he had the right to act on appearances, and under the circumstances as they appeared to him, he

believed he was in such danger and a reasonable, prudent man of ordinary firmness and courage would have entertained the same belief.

Words accompanied by hostile acts, may, depending on the circumstances, establish a plea self- defense.

Self- defense is not available to one who uses languages so opprobrious that a reasonable person would expect it to bring on a physical encounter, and which did actually contribute to bring it on.

If Defendant is justified in firing the first shot, the Defendant is justified in the continuing to shoot until it is apparent that the danger to his life and body has ceased. Ordinarily, a defendant is not justified in shooting or employing a deadly weapon after the adversary has been disarmed or disabled.

If the Defendant was on his own premises, he had no duty to retreat before acting in self- defense. The Defendant has no duty to retreat if by doing so he increases his danger of being killed or suffering serious bodily harm.

There is no burden upon the Defendant to prove self- defense. The Defendant is not required to prove any element of self- defense. The burden is on the State to disprove self- defense beyond a reasonable doubt.

If you have a reasonable doubt of the Defendant's guilt after considering all the evidence, including the evidence of self- defense, then you must find the Defendant not guilty. On the other hand, if you have no reasonable doubt of the defendant's guilty after considering all the evidence, including the evidence of self- defense, then you must find the defendant guilty. Ralph King Anderson, Jr., South Carolina Requests to Charge - Criminal, 2007, §6-6 Self Defense

Respectfully submitted,

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