

SUPREME COURT OF GEORGIA

Rai v. State

297 Ga. 472 (2015) · No. S15A0243 · Decided July 6, 2015

SUMMARY

The Supreme Court of Georgia affirmed Chiman Rai’s convictions for murder, burglary, and related offenses arising from the killing of his daughter-in-law. The court held that the evidence was sufficient and rejected claims concerning hearsay, a jailhouse informant’s alleged Sixth Amendment violation, character evidence, witness credibility testimony, jury instructions, and ineffective assistance of counsel. All Justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	July 6, 2015
DOCKET	S15A0243
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rai appealed his convictions and sentences for malice murder, burglary, and related offenses after the trial court denied his motion for new trial. He raised insufficiency-of-the-evidence, ineffective-assistance, evidentiary, and jury-instruction claims.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under the rational-trier-of-fact standard, viewing the evidence in the light most favorable to the verdict. Evidentiary rulings, including application of the necessity exception to hearsay, were reviewed for abuse of discretion. Unpreserved evidentiary claims were reviewed for preservation; ineffective-assistance claims were evaluated under Strickland v. Washington.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Chiman Rai v. The State

TOPICS

criminal procedure

evidence

hearsay

sixth amendment

ineffective assistance

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Rai's convictions.
2. Whether statements made by the victim to family members were admissible under Georgia's necessity exception to the hearsay rule.
3. Whether testimony from a jailhouse inmate violated Rai's Sixth Amendment right to counsel under Massiah.
4. Whether testimony concerning prior statements by Rai's son was improperly admitted or, where unobjected to, preserved for appellate review.
5. Whether testimony by a detective concerning the son's interview improperly commented on the son's credibility.
6. Whether a witness could testify about Rai's apparent understanding of a topic based on the witness's observations.
7. Whether the trial court properly excluded specific acts of charitable conduct offered as evidence of Rai's good character.
8. Whether the jury instruction concerning conflicting testimony improperly created a presumption of truthfulness or shifted the burden of proof.
9. Whether Rai received ineffective assistance of trial counsel under Strickland.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Rai guilty beyond a reasonable doubt of the charged offenses.
2. The trial court did not abuse its discretion by admitting certain statements made by the deceased victim to her aunt, grandmother, and sister under the necessity exception.
3. Admission of Walmer's testimony did not violate Rai's Sixth Amendment right to counsel because Walmer was not acting as a government agent.
4. The claim concerning the neighbor's testimony was not preserved because Rai made no contemporaneous objection.
5. The trial court properly excluded third-party testimony concerning a specific charitable act by Rai when offered to establish his good character.
6. The jury instruction substantially tracking the applicable pattern instruction was not erroneous and did not create a presumption of truthfulness or shift the burden of proof.

7. Rai failed to establish ineffective assistance because he demonstrated neither deficient performance nor prejudice under Strickland.

KEY QUOTATIONS

“Under [Massiah], the right to counsel is violated by the admission of incriminating statements which a government agent deliberately elicits after indictment and in the absence of counsel.” (12)

“He may not, however, call third parties to testify to specific acts of past good conduct either to refute [other] evidence or to introduce evidence of his good character.” (18)

FACTUAL BACKGROUND

Rai was convicted of arranging the 2000 murder of his daughter-in-law, Sparkle Rai, whom Rai disapproved of because she was African-American and had married his son contrary to the family’s cultural expectations. Witnesses testified that Rai recruited Herbert Green, who contacted Willie Fred Evans and Cleveland Clark to carry out the killing, and documentary evidence corroborated communications and payments among the participants. Sparkle was killed in her apartment by stabbing and strangulation. The State also introduced Rai’s recorded statements, evidence of his racial and cultural hostility, and testimony from a jailhouse inmate regarding Rai’s statements.

PROCEDURAL HISTORY

Rai was indicted by a Fulton County grand jury in September 2006 and was tried separately in June 2008 after the trial court granted his motion to sever. The jury convicted him on all counts and recommended life imprisonment without parole; the trial court imposed life without parole for malice murder and consecutive terms totaling twenty-five years for burglary and weapon possession, with other counts merged or vacated. After an amended motion for new trial and two evidentiary hearings, the trial court denied the motion on January 10, 2014. Rai timely appealed, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Vega v. State, 285 Ga. 32, 673 S.E.2d 223 (2009)
- Chapel v. State, 270 Ga. 151, 510 S.E.2d 802 (1998)
- Thomas v. State, 274 Ga. 156, 548 S.E.2d 359 (2001)
- Faircloth v. State, 293 Ga. 134, 744 S.E.2d 52 (2013)
- Mathis v. State, 291 Ga. 268, 728 S.E.2d 661 (2012)
- Mills v. State, 287 Ga. 828, 700 S.E.2d 544 (2010)
- Mallory v. State, 261 Ga. 625, 409 S.E.2d 839 (1991)
- Massiah v. United States, 377 U.S. 201 (1964)

- Higuera-Hernandez v. State, 289 Ga. 553, 714 S.E.2d 236 (2011)
- Baxter v. State, 254 Ga. 538, 331 S.E.2d 561 (1985)
- United States v. Henry, 447 U.S. 264 (1980)
- Burgan v. State, 258 Ga. 512, 371 S.E.2d 854 (1988)
- Spickler v. State, 276 Ga. 164, 575 S.E.2d 482 (2003)
- Harris v. State, 279 Ga. 304, 612 S.E.2d 789 (2005)
- Boyce v. State, 258 Ga. 171, 366 S.E.2d 684 (1988)
- Banta v. State, 282 Ga. 392, 651 S.E.2d 21 (2007)
- Smith v. State, 292 Ga. 588, 740 S.E.2d 129 (2013)
- Bowling v. State, 289 Ga. 881, 717 S.E.2d 190 (2011)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Peebles v. State, 260 Ga. 430, 396 S.E.2d 229 (1990)
- White v. State, 273 Ga. 787, 546 S.E.2d 514 (2001)