



## Supreme Court of Georgia

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## SUMMARIES OF OPINIONS

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### **RAI V. THE STATE (S15A0243)**

The Supreme Court of Georgia has upheld the murder conviction and life prison sentence of Chiman Rai, a native of India, who was convicted in **Fulton County** of hiring a hit man to murder his daughter-in-law, Michelle “Sparkle” Reid Rai.

In today’s unanimous opinion in this high-profile case, **Justice Carol Hunstein** writes for the Court that the evidence at trial “was sufficient to enable a rational trier of fact to conclude beyond a reasonable doubt that Rai was guilty of the crimes of which he was convicted.”

According to the record, Sparkle Reid and Rajeeve “Ricky” Rai married in 2000 after she gave birth 6 months earlier to their baby girl. The two had met when Sparkle worked as the front desk clerk at a Louisville, KY hotel owned by the Rais. Chiman Rai did not approve of his son’s relationship with the African-American woman because she was not Indian. He did not attend their wedding and has never met his granddaughter.

On April 26, 2000, less than a month after their wedding, Ricky came home from work to find Sparkle dead in the couple’s Union City apartment. The 22-year-old had been strangled with a vacuum cleaner cord and stabbed more than a dozen times. The baby was found near her mother’s body, crying but unharmed. Investigators established that Ricky had been at work at the time of the murder, and all other identified suspects were ruled out. Meanwhile, Sparkle’s father, Major Bennett Walter Reid, Jr., and his wife took custody of the child and subsequently adopted her. Ricky never challenged the adoption or the termination of his parental rights and eventually married an Indian woman and started a new family.

Sparkle’s murder remained in “cold case” status until 2004 when police arrested a woman in an unrelated matter, and she told them that she and her friend had been in the

apartment of a woman named “Sparkle” when the young mother was murdered in front of her baby. Cold case investigators identified the hit man as Cleveland Clark from Mississippi. They then traced money orders and telephone calls – which Clark and his brother, Carl Clark, had received – to two other men, Willie Fred Evans and Herbert Green, also from Mississippi, which ultimately led them to Ricky Rai’s father, Chiman Rai. Green was a longtime friend and business associate of the Rai family, who also lived in Mississippi.

All five men were charged with murder, aggravated assault, burglary, possession of a knife during the commission of a felony, and criminal conspiracy to commit murder. The State announced it would seek the death penalty against Rai, who was eventually tried separately from his co-defendants. According to prosecutors, Rai used Evans and Green as the middlemen who arranged the killing and passed the \$10,000 Rai had paid them onto the Clark brothers to carry out the hit. Prosecutors contended that Rai had Sparkle killed because he opposed his Indian son’s marriage to a black woman. Rai and his wife had intended for all their children to marry individuals of Indian descent, as is the tradition in the Rais’ native Punjabi culture. A number of people testified at trial about Rai’s disapproval of his son’s marriage to Sparkle, including Sparkle’s relatives who said she had told them Rai did not want the couple to marry due to her race. A jail cellmate of Rai’s also testified Rai had made racist comments while in the Fulton County Jail.

In June 2008, a Fulton County jury convicted Rai, then 68, of arranging Sparkle's killing in the murder-for-hire scheme, and he was sentenced to life in prison with no chance of parole.

In his appeal before the Georgia Supreme Court, in addition to arguing the evidence was insufficient to convict Rai, his attorneys argued he received “ineffective assistance of counsel” from his trial attorney, and the trial judge made a number of other errors. Among them, Rai’s attorneys argued the judge should not have allowed Sparkle’s relatives to testify to various statements Sparkle had made regarding her relationship with Rai.

“The trial court did not abuse its discretion here,” today’s opinion says. “It is undisputed that Sparkle was unavailable to testify. The statements in question were undeniably relevant to the critical issue of motive, in that they were indicative of the nature of, and reasons for, Rai’s disapproval of Sparkle and Ricky’s relationship with her.” And “the statements bore sufficient indicia of trustworthiness, in that they were made to family members who each shared a close and confidential relationship with Sparkle....”

In response to Rai’s remaining arguments, the high court has rejected them all.

**Attorney for Appellant (Rai):** Marcia Shein, Elizabeth Brandenburg

**Attorneys for Appellee (State):** Paul Howard, Jr., District Attorney, Paige Whitaker, Dep. D.A., Lori Canfield, Sr. Asst. D.A., Samuel Olens, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Vicki Bass, Asst. A.G.

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**IN DISCIPLINARY MATTERS**, the Georgia Supreme Court has **disbarred** the following attorney:

\* Wayne Peter Merisotis      **IN THE MATTER OF: WAYNE PETER MERISOTIS**  
**(S14Y1306, S14Y1307)**

The Court has accepted a petition for **Voluntary Surrender of License** – tantamount to disbarment – from attorney:

\* Russ Floyd Barnes                    **IN THE MATTER OF: RUSS FLOYD BARNES (S15Y1050)**

The Court has accepted a petition for voluntary discipline and ordered a **Review Panel Reprimand** of attorney:

\* S. Carlton Rouse                    **IN THE MATTER OF: S. CARLTON ROUSE (S15Y1199)**