

SUPREME COURT OF GEORGIA

Daughtie v. The State

297 Ga. 261 (2015) · No. S15A0591 · Decided June 1, 2015

SUMMARY

The Georgia Supreme Court affirmed James Daughtie’s convictions for murder and related offenses but reversed his conviction for theft by receiving stolen property because the evidence did not establish that he knew the handgun was stolen. The court rejected claims concerning newly discovered evidence, ineffective assistance of counsel, and the defendant’s absence during an untranscribed bench conference. The court held that the remaining evidence was sufficient to support the affirmed convictions.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Chief Justice; All Justices
JURISDICTION	Georgia
DECIDED	June 1, 2015
DOCKET	S15A0591
DISPOSITION	other
PROCEDURAL POSTURE	After a jury convicted Daughtie on all eight counts of an indictment, including malice murder and theft by receiving stolen property, he moved for a new trial. The Superior Court of Richmond County denied the amended motion for new trial, and Daughtie appealed.
STANDARD OF REVIEW	For sufficiency of the evidence, whether a rational trier of fact could have found the defendant guilty beyond a reasonable doubt, viewing the evidence in the light most favorable to the verdict. Ineffective-assistance claims are reviewed under Strickland v. Washington. A motion for new trial on general grounds is reviewed for abuse of discretion, with the trial court acting as a thirteenth juror and weighing the evidence under OCGA §§ 5-5-20 and 5-5-21.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Georgia
PARTIES	James Daughtie v. The State

TOPICS

criminal procedure

evidence

ineffective assistance

appellate procedure

standard of review

PRACTICE AREAS

Criminal law

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Evidence

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Daughtie's convictions, particularly the conviction for theft by receiving stolen property.
2. Whether the trial court erred by denying Daughtie's motion for a new trial based on alleged flaws in firearms-examiner testimony and by failing to act as a thirteenth juror.
3. Whether trial counsel rendered ineffective assistance by failing to object to boot-print expert testimony and by failing to investigate and challenge the firearms examiner's testimony.
4. Whether Daughtie was denied his constitutional right to be present during a bench conference and discussion concerning a redacted recording of his statement to police.

HOLDINGS

1. The evidence was insufficient to prove beyond a reasonable doubt that Daughtie knew or should have known the handgun was stolen. His conviction for theft by receiving stolen property was therefore reversed.
2. Except for theft by receiving stolen property, the evidence was sufficient to support Daughtie's convictions.
3. The trial court properly exercised its discretion as a thirteenth juror and did not err in denying the motion for new trial.
4. Daughtie failed to establish ineffective assistance of counsel because the challenged boot-print testimony was admissible, counsel's objection decision was a reasonable trial strategy, and the firearms examiner testified from his own analysis rather than as a conduit for another examiner.
5. The record did not establish reversible error from Daughtie's absence because the subject matter of the untranscribed bench conference was unknown, and the related discussion about the redacted recording was a housekeeping matter at which his presence would not have been useful.

KEY QUOTATIONS

“Because this evidence sheds no light on appellant’s knowledge of the provenance of the handgun, we find it insufficient to enable a rational jury to find appellant guilty beyond a reasonable doubt of theft by receiving stolen property.” (Division 2)

“If the State were correct that jury disbelief of a testifying defendant could sustain a conviction without anything more, it would render appellate review of the sufficiency of the evidence meaningless in any case in which the defendant exercised his right to testify.” (Division 2)

FACTUAL BACKGROUND

Two men in a dark green Chevrolet Trail Blazer approached Ozzie Brian Jones and Dontrell Kyler after they left a diner. One assailant fired a gun at them; Kyler was killed and Jones was wounded. Daughtie, who had been shot in the leg, reported an alleged robbery and was found with blood-stained clothing, a stolen 9mm handgun, and Timberland boots; ballistics evidence linked the handgun to the bullet recovered from Kyler. Daughtie told police he had found the handgun behind a club in North Carolina.

PROCEDURAL HISTORY

The crimes occurred on August 19, 2010. Trial began May 3, 2011, and the jury returned guilty verdicts on May 5, 2011. The trial court imposed a life sentence for malice murder and consecutive terms for the remaining convictions. The trial court denied Daughtie's amended motion for new trial on March 25, 2014. The Supreme Court of Georgia affirmed the convictions except for theft by receiving stolen property, which it reversed for insufficient evidence.

DISPOSITION

other

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Blevins v. State, 291 Ga. 814, 816, 733 S.E.2d 744 (2012)
- Martin v. State, 300 Ga. App. 39, 40, 684 S.E.2d 111 (2009)
- Stacey v. State, 292 Ga. 838, 840, 741 S.E.2d 881 (2013)
- Ferguson v. State, 307 Ga. App. 232, 235-236, 704 S.E.2d 470 (2010)
- Wright v. West, 505 U.S. 277, 297 (1992)
- United States v. Jiminez, 564 F.3d 1280, 1285 (11th Cir. 2009)
- United States v. McCarrick, 294 F.3d 1286, 1293 (11th Cir. 2002)
- United States v. Brown, 53 F.3d 312 (11th Cir. 1995)
- United States v. Williams, 390 F.3d 1319 (11th Cir. 2004)
- United States v. Zeigler, 994 F.2d 845, 849 (D.C. Cir. 1993)
- White v. State, 293 Ga. 523, 524, 753 S.E.2d 115 (2014)
- Walker v. State, 292 Ga. 262, 264, 737 S.E.2d 311 (2013)
- Sutton v. State, 295 Ga. 350, 352, 759 S.E.2d 846 (2014)
- Strickland v. Washington, 466 U.S. 668, 687, 690, 697 (1984)
- Hanson v. State, 263 Ga. App. 45, 47-48, 587 S.E.2d 200 (2003)
- Moore v. State, 293 Ga. 676, 679, 748 S.E.2d 419 (2013)
- Robinson v. State, 278 Ga. 31, 36, 597 S.E.2d 386 (2004)
- Fairclough v. State, 276 Ga. 602, 605, 581 S.E.2d 3 (2003)

- Smith v. State, 283 Ga. 237, 239, 657 S.E.2d 523 (2008)
- Cobb v. State, 283 Ga. 388, 390, 658 S.E.2d 750 (2008)
- Byrd v. State, 261 Ga. App. 483, 484, 583 S.E.2d 170 (2003)
- Sammons v. State, 279 Ga. 386, 387, 612 S.E.2d 785 (2005)
- Parks v. State, 275 Ga. 320, 322-325, 565 S.E.2d 447 (2002)
- Smith v. State, 319 Ga. App. 590, 596, 737 S.E.2d 700 (2012)
- Huff v. State, 274 Ga. 110, 112, 549 S.E.2d 370 (2001)

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