

SUPREME COURT OF GEORGIA

Wood v. The State

Wood · No. S23A0637 · Decided July 5, 2023

SUMMARY

The Supreme Court of Georgia affirmed Bobby Wood, Jr.'s convictions for felony murder and aggravated assault arising from the shooting death of Aaron Skinner. The court held that any error in restricting cross-examination concerning the victim's arrest was harmless, and that Wood failed to show a due-process violation from post-trial denial of access to physical evidence. The court also rejected Wood's ineffective-assistance and cumulative-error claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Colvin, Justice
JURISDICTION	Georgia
DECIDED	July 5, 2023
DOCKET	S23A0637
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the denial of an amended motion for new trial following convictions for felony murder and aggravated assault.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Nonconstitutional evidentiary error is harmless if it is highly probable that the error did not contribute to the verdict. The record is reviewed de novo and the evidence is weighed as a reasonable juror would when assessing harmlessness and Strickland prejudice. Ineffective-assistance claims are governed by the deficiency-and-prejudice standard, and failure to establish either prong defeats the claim. Cumulative error requires at least two errors whose combined prejudicial effect deprived the defendant of a fundamentally fair trial.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion
PARTIES	Bobby Wood, Jr. v. The State

TOPICS

ineffective assistance

self defense

evidence

harmless error

criminal procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate procedure

Ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by preventing Wood from cross-examining the State's ballistics expert about Skinner's arrest for criminal trespass.
2. Whether the trial court violated due process by denying Wood post-trial access to physical evidence for examination by a retained ballistics expert in support of an ineffective-assistance claim.
3. Whether trial counsel was ineffective for failing to object to the State's redirect examination of its expert about Skinner's lack of criminal convictions.
4. Whether the cumulative effect of the alleged trial-court error and counsel deficiency deprived Wood of a fundamentally fair trial.

HOLDINGS

1. Even assuming the trial court erred by preventing Wood from cross-examining Major King about Skinner's arrest for criminal trespass, the error was harmless because it was highly probable that it did not contribute to the verdict.
2. The trial court did not abuse its discretion by denying Wood's request to permit a post-trial ballistics expert to examine the firearm, ammunition, shell casings, and bullets because Wood failed to show that favorable testing results would create a reasonable probability of a different trial result.
3. Wood failed to establish ineffective assistance because, even assuming counsel performed deficiently by not objecting to the State's redirect examination about Skinner's lack of convictions, Wood did not show a reasonable probability that the result would have been different.
4. Wood failed to establish cumulative error because the assumed evidentiary error and assumed counsel deficiency, considered together with the entire record, did not deprive him of a fundamentally fair trial.

KEY QUOTATIONS

"The test for determining whether a non-constitutional evidentiary error was harmless is whether it is highly probable that the error did not contribute to the verdict." (15-16)

"To succeed on a claim of ineffective assistance of counsel, a defendant must show both "that his counsel's performance was professionally deficient and that he suffered prejudice as a result." (22)

"To establish cumulative error, a defendant must demonstrate that "at least two errors were committed in the course of the trial" and "considered together along with the entire record, the multiple errors so infected the jury's deliberation that they denied the petitioner a fundamentally fair trial." (24-25)

FACTUAL BACKGROUND

Wood shot Aaron Skinner on Fox Hill Road on March 30, 2020, after Skinner approached the area near Wood's home. Wood told officers that he fired warning shots and then shot toward Skinner, although he was unsure whether Skinner had a gun; Skinner never entered Wood's property and no weapon was found near him. Ballistics evidence indicated that seven shots were fired and that the fatal bullet ricocheted off the roadway, while other evidence showed Skinner was intoxicated and had been acting incoherently shortly before the shooting.

PROCEDURAL HISTORY

A Baldwin County grand jury indicted Wood for malice murder, felony murder predicated on aggravated assault, and aggravated assault. The trial court denied Wood's self-defense immunity motion; after trial, the jury acquitted him of malice murder but convicted him of felony murder and aggravated assault, and the court imposed a life sentence with the possibility of parole, merging aggravated assault for sentencing. The trial court denied Wood's amended motion for new trial, and Wood timely appealed.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- Ash v. State, 312 Ga. 771, 772 (1) n.2 (865 SE2d 150) (2021)
- Draughn v. State, 311 Ga. 378, 382-383 (2) (b) (858 SE2d 8) (2021)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Leanos v. State, 303 Ga. 666, 672 (2) (c) (iii) (814 SE2d 332) (2018)
- United States v. Seymour, 468 F.3d 378, 387 (II) (C) (6th Cir. 2006)
- Olds v. State, 299 Ga. 65, 69 (2) (786 SE2d 633) (2016)
- Talley v. State, 314 Ga. 153, 160-161 (2) (875 SE2d 789) (2022)
- Jackson v. State, 306 Ga. 69, 80 (2) (c) (829 SE2d 142) (2019)
- Battles v. State, 290 Ga. 226, 230-231 (3) (719 SE2d 423) (2011)
- Humphrey v. Nance, 293 Ga. 189, 222 (3) (c) (ii) (744 SE2d 706) (2013)
- Robinson v. State, 277 Ga. 75, 77 (2) (586 SE2d 313) (2003)
- Davis v. State, 312 Ga. 870, 873 (1) (855 SE2d 390) (2021)
- Mattox v. State, 308 Ga. 302, 304 (2) (840 SE2d 373) (2020)
- Washington v. State, 313 Ga. 771, 773 (3) (873 SE2d 132) (2022)
- Davis v. State, 299 Ga. 180, 182-183 (2) (787 SE2d 221) (2016)
- Smith v. State, 296 Ga. 731, 733 (2) (770 SE2d 610) (2015)
- Bell v. State, 294 Ga. 443, 446 (2) (754 SE2d 327) (2014)
- State v. Lane, 308 Ga. 10, 21 (4) (838 SE2d 808) (2020)
- Patterson v. State, 314 Ga. 167, 181 (5) (875 SE2d 771) (2022)

- Huff v. State, 315 Ga. 558, 568 (6) (883 SE2d 773) (2023)
- Sheard v. State, 300 Ga. 117, 120 (2) (793 SE2d 386) (2016)

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