

SUPREME COURT OF GEORGIA

Strickland v. State, 257 Ga. 230

357 S.E.2d 85 (1987) · No. 44067 · Decided June 24, 1987

SUMMARY

The Supreme Court of Georgia reversed Robert Strickland Jr.'s murder conviction for errors in jury instructions concerning the relevance of the victim's alleged adulterous conduct to voluntary manslaughter and in excluding evidence concerning threats against the defendant. The court found no harmful error in the exclusion of evidence regarding a witness's pending theft charge or in the psychiatric examination procedures. Several justices dissented, concluding that any instructional error was cured by the complete voluntary-manslaughter charge.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunt, Justice
JURISDICTION	Georgia
DECIDED	June 24, 1987
DOCKET	44067
DISPOSITION	reversed
PROCEDURAL POSTURE	Defendant appealed his jury conviction for murder and life sentence, raising general and special grounds.
STANDARD OF REVIEW	The evidence was reviewed in the light most favorable to the verdict to determine whether a rational trier of fact could find guilt beyond a reasonable doubt. The rejection of the insanity defense was reviewed under the standard stated in <i>Brown v. State</i> .
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Robert Strickland, Jr. v. The State

TOPICS

criminal procedure jury instructions lesser included offense instructions evidence fifth amendment

PRACTICE AREAS

criminal law criminal procedure evidence constitutional law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support the murder conviction and rejection of the insanity defense.
2. Whether the trial court's instruction that the victim's sexual relations with others were irrelevant improperly prevented the jury from considering voluntary manslaughter based on provocation.
3. Whether the trial court improperly excluded testimony about threats made by members of Brewer's family when the testimony was offered to explain Strickland's reason for purchasing the gun.
4. Whether the trial court improperly limited cross-examination concerning a pending theft charge against the State's witness.
5. Whether ordering Strickland to submit to a psychiatric examination and permitting the examining psychiatrist to testify violated the Fifth Amendment privilege against self-incrimination.
6. Whether the trial court complied with OCGA § 17-7-130 concerning expert testimony on insanity.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Strickland guilty of murder beyond a reasonable doubt, and the jury's rejection of his insanity defense satisfied the applicable standard of review.
2. It was reversible error to instruct the jury that whether the victim had sexual relations with another person was irrelevant, because the victim's alleged adulterous conduct was relevant and critical to Strickland's claim that he was entitled to a voluntary-manslaughter verdict.
3. The trial court erred by excluding testimony about a death threat allegedly made by a member of Brewer's family because the testimony was not offered to prove the truth of the threat but to support Strickland's credibility concerning why he purchased the gun.
4. The trial court did not commit harmful error by excluding evidence of Brewer's pending theft charge because Strickland did not offer the evidence at trial to show the witness's interest in cooperating with the State, and the evidence was otherwise sought for improper impeachment.
5. Requiring Strickland to submit to the State's psychiatric examination, subject to striking his insanity expert testimony if he refused, did not violate the Fifth Amendment privilege against self-incrimination.
6. The defendant did not preserve an objection concerning compliance with OCGA § 17-7-130, and the court found no harmful error; on retrial, however, the statute requires appointment of an independent psychiatrist or licensed psychologist upon notice that the defendant will pursue an insanity defense.

KEY QUOTATIONS

“Here, the victim's alleged adulterous conduct was not only relevant, but critical to the voluntary manslaughter claim.” (257 Ga. at 232)

“This sanction would have been appropriate, and does not conflict with his privilege against self-incrimination.” (257 Ga. at 233)

FACTUAL BACKGROUND

Strickland and the victim, his estranged wife, had separated but continued to see each other. After Strickland discovered the victim having sexual relations with Willie Brewer on October 12, 1985, he shot and wounded Brewer. Four days later, after purchasing a gun, Strickland shot and killed the victim following a rejected reconciliation proposal and her discussion of sexual relationships with other persons. Strickland's primary defense was insanity.

PROCEDURAL HISTORY

Strickland was indicted in DeKalb County, convicted by a jury on March 1, 1986, and sentenced to life imprisonment. The trial court denied his motion for new trial on September 3, 1986. The Supreme Court of Georgia reversed the judgment because erroneous jury instructions concerning the relevance of the victim's alleged adulterous conduct were harmful.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment of conviction was reversed; the opinion gives no additional specific remand instructions.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Brown v. State, 250 Ga. 66, 71-72, 295 S.E.2d 727 (1982)
- Brooks v. State, 249 Ga. 583, 586, 292 S.E.2d 694 (1982)
- Poteat v. State, 251 Ga. 87, 89 (4), 303 S.E.2d 452 (1983)
- Thomas v. State, 178 Ga. App. 674, 675, 344 S.E.2d 496 (1986)
- Owens v. State, 251 Ga. 313, 314 (1), 305 S.E.2d 102 (1983)
- Hines v. State, 249 Ga. 257, 259 (2), 290 S.E.2d 911 (1982)
- Motes v. State, 256 Ga. 831, 353 S.E.2d 348 (1987)
- Raines v. State, 247 Ga. 504, 277 S.E.2d 47 (1981)