

SUPREME COURT OF GEORGIA

Lynch v. State

291 Ga. 555 (2012) · Decided September 10, 2012

SUMMARY

The Supreme Court of Georgia affirmed Reginald L. Lynch’s convictions for malice murder and firearm possession arising from the shooting death of Marcus Givens. The court held that the victim’s dying declaration identifying Lynch was direct evidence and rejected Lynch’s ineffective-assistance claims, finding either no deficient performance or no resulting prejudice.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice
JURISDICTION	Georgia
DECIDED	September 10, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Following a jury trial and denial of his motion for new trial, Lynch appealed his convictions for malice murder, felony murder, and two counts of possession of a firearm during the commission of a crime, challenging the sufficiency of the evidence and alleging ineffective assistance of trial counsel.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether, viewing the evidence in the light most favorable to the verdict, a rational trier of fact could find the defendant guilty beyond a reasonable doubt. Ineffective-assistance claims require proof of deficient performance and resulting prejudice under Strickland. The trial court’s factual findings and credibility determinations are accepted unless clearly erroneous, while legal principles are applied independently.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential authority.
PARTIES	Reginald L. Lynch v. State

TOPICS

- criminal procedure
- ineffective assistance
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence, including the victim's repeated identification of Lynch as the shooter, was sufficient to support the murder and firearm-possession convictions.
2. Whether trial counsel was ineffective for failing to request a jury instruction concerning false testimony under OCGA § 24-9-85 (b).
3. Whether trial counsel was ineffective for failing to object to a detective's testimony about an out-of-court statement attributed to Tiffany Davis.
4. Whether trial counsel was ineffective for failing to object to rebuttal testimony by a detective who had not been identified in the State's alibi-rebuttal witness notice.
5. Whether trial counsel was ineffective for failing to request a separate eyewitness-identification instruction.
6. Whether trial counsel was ineffective for failing to impeach the deceased victim with a prior felony conviction.

HOLDINGS

1. The evidence was sufficient to enable the jury to find Lynch guilty beyond a reasonable doubt of the crimes for which he was convicted.
2. The victim's dying declaration identifying Lynch as the shooter was direct evidence of the identity of the killer, not merely circumstantial evidence.
3. Lynch failed to establish ineffective assistance because, even assuming counsel should have requested the instruction, the absence of the instruction was harmless and did not prejudice him.
4. Lynch failed to establish prejudice from counsel's failure to object to the detective's testimony because Davis had already testified directly that Lynch threatened to kill the victim.
5. Lynch failed to establish prejudice from counsel's failure to object under OCGA § 17-16-5 (b), because he did not show that the detective's testimony would have been excluded under OCGA § 17-16-6.
6. Counsel was not ineffective for failing to request a separate eyewitness-identification instruction because the jury received instructions covering the legal principles underlying the defense of misidentification.
7. Counsel was not ineffective for declining to impeach the deceased victim with his prior felony conviction because the decision reflected a reasonable trial strategy.

KEY QUOTATIONS

"This evidence was sufficient to enable the jury to find Lynch guilty of the crimes for which he was convicted beyond a reasonable doubt." (556)

"With his final breath, the victim stated that Lynch shot him. This is certainly direct evidence of who killed the victim." (556)

“As a general rule, matters of reasonable trial strategy and tactics do not amount to ineffective assistance of counsel.” (558)

FACTUAL BACKGROUND

Police found Marcus Givens in an alley suffering from multiple gunshot wounds. In response to police questioning, Givens repeatedly identified Reggie Lynch as the person who shot him before dying from his injuries. Evidence also showed that Lynch had argued with Givens the previous day, threatened to kill him, and was seen driving away from the crime scene. Lynch presented an alibi defense and later challenged several aspects of trial counsel's performance.

PROCEDURAL HISTORY

Lynch was indicted on February 4, 2009. His first trial in August 2010 ended in a mistrial. After a second jury trial ending January 26, 2011, he was found guilty on all counts and sentenced to life imprisonment for malice murder and five consecutive years for one firearm-possession count; the felony-murder conviction was vacated by operation of law and the remaining charges merged for sentencing. The trial court denied his motion for new trial, as amended, on November 15, 2011. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Fuller v. State, 277 Ga. 505 (3) (2004)
- Robinson v. State, 277 Ga. 75, 76 (2003)
- Lytle v. State, 290 Ga. 177, 180 (4) (2011)
- Evans v. State, 209 Ga. App. 340 (2) (1993)
- Springs v. Seese, 274 Ga. 659, 662 (3) (2002)
- Wright v. State, 274 Ga. 730, 732 (2) (b) (2002)
- Malcolm v. State, 263 Ga. 369 (4) (1993)

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