

SUPREME COURT OF GEORGIA

State v. Carlisle, 280 Ga. 770

631 S.E.2d 347 (2006) · No. S05G1642 · Decided June 12, 2006

SUMMARY

The Supreme Court of Georgia held that a defendant may not be convicted as a party to aggravated stalking without proof that she knew a court order prohibited the principal from contacting the victim. The defendant need not know the specific type of court order, but the evidence must support knowledge that some prohibitory court order was in effect. The court concluded that the evidence authorized the conviction and reversed the Court of Appeals.

CASE DETAILS

|                       |                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Georgia                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Sears, Chief Justice; All other Justices of the Supreme Court of Georgia                                                                                                                                                             |
| JURISDICTION          | Georgia                                                                                                                                                                                                                              |
| DECIDED               | June 12, 2006                                                                                                                                                                                                                        |
| DOCKET                | S05G1642                                                                                                                                                                                                                             |
| DISPOSITION           | reversed                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | The State petitioned for certiorari after the Georgia Court of Appeals reversed Carlisle's bench-trial conviction for aggravated stalking. The Supreme Court of Georgia reversed the Court of Appeals.                               |
| STANDARD OF REVIEW    | Whether the evidence, viewed in the light most favorable to the verdict, was sufficient for a rational trier of fact to find beyond a reasonable doubt that Carlisle knew a court order prohibited Gibbs from contacting the victim. |
| PRECEDENTIAL VALUE    | Published, precedential opinion of the Supreme Court of Georgia.                                                                                                                                                                     |
| PARTIES               | State v. Janice Carlisle                                                                                                                                                                                                             |

TOPICS

- criminal procedure
- statutory interpretation
- mens rea
- burden of proof
- evidence

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether a person may be convicted as a party to aggravated stalking for assisting another person's stalking without knowing that a court order prohibited the other person from contacting the victim.
2. Whether the State had to prove that Carlisle knew the specific type of court order, namely a condition of bond, that prohibited Gibbs's contact with the victim.
3. Whether the evidence was sufficient for a rational trier of fact to find beyond a reasonable doubt that Carlisle knew such a court order was in effect when she assisted Gibbs.

## HOLDINGS

1. A person may not be convicted as a party to aggravated stalking for assisting another person's stalking unless the person knew that a court order prohibited the other person from contacting the victim.
2. The State need not prove that the defendant knew the specific type of qualifying court order in effect; it need only prove that the defendant knew a court order prohibited the co-defendant from contacting the victim.
3. The evidence authorized a rational trier of fact to find beyond a reasonable doubt that Carlisle knew, before the December 20 stalking incident, that a court order prohibited Gibbs from contacting the victim.

## KEY QUOTATIONS

*"We conclude that, absent evidence that the person knew of a court order that had been imposed on the second person, the person may not be found guilty as a party to the crime of aggravated stalking."* (280 Ga. 771; 631 S.E.2d 348)

*"Rather, she simply had to be aware that a court order was in effect that prohibited Gibbs from contacting the victim."* (280 Ga. 772; 631 S.E.2d 349)

*"Accordingly, Carlisle's conviction for aggravated stalking is authorized by the evidence and the Court of Appeals's holding to the contrary is reversed."* (280 Ga. 774; 631 S.E.2d 350)

## FACTUAL BACKGROUND

Gibbs was arrested for stalking the victim and, when released on bond on November 12, 1996, was ordered to stay away from her. Carlisle later assisted Gibbs in contacting and stalking the victim on December 20, 1996; no such order had been entered against Carlisle. Testimony indicated that Carlisle knew Gibbs was not supposed to be around the victim and had discussed a restraining order and Gibbs's related psychiatric treatment before the December 20 incident.

## PROCEDURAL HISTORY

Carlisle was convicted after a bench trial of aggravated stalking as a party to the crime based on assisting co-defendant Todd Gibbs in stalking the victim. The Court of Appeals reversed, concluding that the evidence did not establish Carlisle knew Gibbs was subject to a court-ordered bond condition prohibiting contact with the

victim. The Supreme Court of Georgia granted certiorari, held that knowledge of the prohibited court order was required but knowledge of the order's specific type was not, and reversed.

#### **DISPOSITION**

reversed

#### **CASES CITED**

- Carlisle v. State, 273 Ga. App. 567, 615 S.E.2d 543 (2005)
- Clyde v. State, 276 Ga. 839, 840, 584 S.E.2d 253 (2003)
- Jackson v. Virginia, 443 U.S. 307, 318-319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)