

SUPREME COURT OF GEORGIA

Burns v. The State

Burns v. The State · No. S25A1487 · Decided January 21, 2026

SUMMARY

The Supreme Court of Georgia affirmed Anthony Alexander Burns’s convictions for felony murder in connection with the death of Howard Winning. The court rejected challenges to the constitutional sufficiency and weight of the evidence, admission of Burns’s custodial statement, and admission of autopsy photographs. It held that Burns’s first two references to counsel were ambiguous and that, after his unequivocal request for counsel, he reinitiated the discussion and implicitly waived his right to counsel.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	LaGrua, Justice; All other Justices
JURISDICTION	Supreme Court of Georgia
DECIDED	January 21, 2026
DOCKET	S25A1487
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the denial of a motion for new trial following Burns's felony-murder conviction.
STANDARD OF REVIEW	Constitutional sufficiency of the evidence is reviewed under Jackson v. Virginia in the light most favorable to the verdict. A custodial-statement suppression ruling is reviewed de novo when the controlling facts are undisputed and ascertainable from a recording. Unpreserved evidentiary error is reviewed for plain error. The Supreme Court of Georgia does not review the merits of a trial court's ruling on the statutory general grounds under OCGA §§ 5-5-20 and 5-5-21.
PRECEDENTIAL VALUE	published
PARTIES	Anthony Alexander Burns v. The State

TOPICS

- criminal procedure
- right to counsel
- miranda rights
- evidence
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was constitutionally sufficient to support Burns's felony-murder conviction.
2. Whether the Supreme Court of Georgia could review Burns's claim that the verdict was contrary to the principles of justice and equity and strongly against the weight of the evidence under OCGA §§ 5-5-20 and 5-5-21.
3. Whether Burns's custodial statements were inadmissible because investigators continued questioning after he invoked his right to counsel.
4. Whether admission of autopsy photographs constituted plain error under the current Georgia Evidence Code.

HOLDINGS

1. The evidence was constitutionally sufficient for a rational trier of fact to find Burns guilty of felony murder predicated on aggravated assault.
2. A claim that the evidence is contrary to the principles of justice and equity or strongly against the weight of the evidence under OCGA §§ 5-5-20 and 5-5-21 presents nothing for Supreme Court of Georgia review when the trial court exercised its discretion under those statutes.
3. Burns's first two references to a lawyer were ambiguous and did not require cessation of questioning. His third reference was an unambiguous request for counsel, but investigators ceased interrogation, and Burns thereafter reinitiated communication and implicitly made a knowing, voluntary, and intelligent waiver; therefore, his custodial statements were admissible.
4. The trial court did not commit plain error by admitting the autopsy photographs because they were relevant to show Winning's injuries and illustrate the medical examiner's testimony, and their probative value was not substantially outweighed by unfair prejudice.

KEY QUOTATIONS

"When a defendant requests a lawyer, police must immediately cease interrogation, or its functional equivalent, including any words or actions by law enforcement calculated to elicit an incriminating response," (18-19)

"Under the totality of these particular circumstances, we conclude that Burns's continued discussion about the circumstances of Winning's death amounted to a reinitiation with the investigators and an implicit knowing, voluntary, and intelligent waiver of his right to counsel." (24)

"Because the photographs showed Winning's injuries and illustrated the medical examiner's testimony about the cause of death, they satisfy the standard for relevance and admissibility under the current Evidence Code." (28)

FACTUAL BACKGROUND

Burns was living in a townhome shared by Howard Winning in Columbia County. After Burns and Winning were alone in the home, Burns assaulted Winning, causing fatal strangulation and blunt-force injuries. Burns made repeated admissions during recorded conversations with investigators and his mother, although he also presented a different account at trial. Autopsy evidence showed a depressed skull fracture, a fractured hyoid bone, and neck bruising consistent with strangulation.

PROCEDURAL HISTORY

A Columbia County grand jury indicted Burns for malice murder and two counts of felony murder. After trial, the jury convicted him of both felony-murder counts, could not reach a unanimous verdict on malice murder, and the trial court sentenced him to life without parole on one felony-murder count; the other felony-murder count was vacated by operation of law and the malice-murder count was later placed on the dead docket. The trial court denied Burns's amended motion for new trial, and Burns timely appealed to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)
- *Sims v. State*, 321 Ga. 627, 631 (2025)
- *Hooks v. State*, 318 Ga. 850, 852 (2024)
- *Mack v. State*, 322 Ga. 390, 393-94 (2025)
- *Jones v. State*, 319 Ga. 758, 761-62 (2024)
- *Jones v. State*, 311 Ga. 455, 456-59 (2021)
- *Downer v. State*, 314 Ga. 617, 622 n.8 (2022)
- *Kimbrow v. State*, 317 Ga. 442, 446 & n.7 (2023)
- *Doricien v. State*, 310 Ga. 652, 653 n.2 (2020)
- *State v. Franklin*, 318 Ga. 39, 39 & n.1 (2024)
- *State v. Pauldo*, 309 Ga. 130, 131, 133-36, 144 (2020)
- *State v. Tripp*, 320 Ga. 536, 551-52 (2024)
- *Taylor v. State*, 312 Ga. 1, 9-10 (2021)
- *Lee v. State*, 306 Ga. 663, 668 (2019)
- *Lewis v. State*, 311 Ga. 650, 660 (2021)
- *Edwards v. Arizona*, 451 U.S. 477, 484-85 (1981)
- *State v. Brown*, 287 Ga. 473, 476, 479-80 (2010)
- *Berghuis v. Thompkins*, 560 U.S. 370, 385 (2010)
- *State v. Lopez-Cardona*, 319 Ga. 222, 227 (2024)

- Rigsby v. State, 306 Ga. 38, 41 (2019)
- Taylor v. State, 303 Ga. 231
- Brown v. State, 250 Ga. 862 (1983)
- Venturino v. State, 306 Ga. 391, 394-95 (2019)
- Mitchell v. State, 307 Ga. 855, 863 (2020)
- Benton v. State, 301 Ga. 100, 103 n.4, 104 (2017)
- Burke v. State, 320 Ga. 706, 706 (2025)
- Whittaker v. State, 317 Ga. 127, 133 (2023)
- Burks v. State, 322 Ga. 865, 873-74 (2025)
- Salvesen v. State, 317 Ga. 314, 317 (2023)