

SUPREME COURT OF GEORGIA

Johnson v. State

S25A1433 · No. S25A1433 · Decided December 9, 2025

SUMMARY

The Supreme Court of Georgia affirmed McKinley Johnson’s convictions for malice murder and possession of a firearm during the commission of a felony arising from the shooting death of Richard Antoine and injuries to Wyman Lott. The court held that the prosecutor’s opening and closing arguments, use of visual aids, and authentication of video evidence did not warrant reversal, and that Johnson waived his mistrial argument by accepting a curative instruction without renewing the motion.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Land, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	December 9, 2025
DOCKET	S25A1433
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed to the Supreme Court of Georgia from the denial of his motion for new trial following his convictions for malice murder, aggravated assault, battery, and possession of a firearm during the commission of a felony.
STANDARD OF REVIEW	The trial court's control over opening and closing arguments and its admission of demonstrative aids were reviewed for abuse of discretion. Preservation of the mistrial issue was reviewed under Georgia's contemporaneous-objection and renewal requirements.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion
PARTIES	McKinley Johnson v. State

TOPICS

- criminal procedure
- evidence
- appellate procedure
- preservation of error
- standard of review

PRACTICE AREAS

criminal procedure

criminal evidence

appellate procedure

homicide

QUESTIONS PRESENTED

1. Whether the prosecutor's opening statement, including a fire analogy and the use of visual aids or screenshots, was improper and required a mistrial or other corrective action.
2. Whether the trial court abused its discretion by admitting and allowing the State to use the van video after authentication by a witness who observed the recorded events.
3. Whether the prosecutor's closing argument that the jury could infer Johnson knew Spear had a gun was improper.
4. Whether Johnson preserved his challenge to the denial of a mistrial based on the closing argument.

HOLDINGS

1. Even assuming the prosecutor's fire analogy was inappropriately argumentative during opening statement, the trial court was not required to provide additional curative instructions or rebuke the prosecutor because Johnson did not specifically request that relief; moreover, the court gave curative instructions that opening statements were not evidence.
2. The trial court did not abuse its discretion by allowing the prosecutor to use screenshots from the van video as demonstrative aids during opening statement.
3. The prosecutor's argument was permissible because it urged a reasonable inference supported by the evidence and therefore was not improper.
4. Johnson waived the mistrial argument by accepting the trial court's proposed curative instruction and failing to renew his motion for mistrial.
5. The trial court's error in stating that Count 3 was vacated by operation of law rather than merged into the malice-murder conviction was harmless and did not affect Johnson's sentence.

KEY QUOTATIONS

“when making opening statements, the prosecutor is allowed to state what the evidence is expected to show and the content of such statements is within the broad discretion of the trial court.” (at 7)

“where the objection to the prejudicial matter is sustained ... the court has no duty to rebuke counsel or give curative instructions unless specifically requested by the defendant.” (at 8)

“Attorneys are granted a “wide latitude” during closing arguments.” (at 11)

FACTUAL BACKGROUND

On February 21, 2023, Johnson and Antonio Spear confronted a company van occupied by Richard Antoine and Wyman Lott after Johnson used a Dodge Charger to cut off the van. Johnson punched Antoine while Spear pointed a firearm at the occupants; Spear then struck Antoine with the firearm and shot him in the neck, causing

his death. Video from the van and other evidence connected Johnson and Spear to the shooting and showed the Charger leaving the scene.

PROCEDURAL HISTORY

A Fulton County grand jury indicted Johnson and others in connection with the shooting death of Richard Antoine and injuries to Wyman Lott. Following a January 2024 jury trial, Johnson was convicted of all charges. The trial court denied his amended motion for new trial on June 10, 2025. Johnson timely appealed, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Farris v. State, 290 Ga. 323, 325 (2012)
- Dixon v. State, 302 Ga. 691, 696-698 (2017)
- Menefee v. State, 301 Ga. 505, 511 (2017)
- Fleming v. State, 306 Ga. 240, 243 (2019)
- Meadows v. State, 316 Ga. 22, 27 (2023)
- McGee v. State, 272 Ga. 363, 363 (2000)
- Highfield v. State, 246 Ga. 478, 482 (1980)
- Pearson v. State, 311 Ga. 26, 31-32 (2021)
- Arnold v. State, 309 Ga. 573, 577 (2020)
- Gaston v. State, 307 Ga. 634, 640 (2020)
- Bates v. State, 317 Ga. 811, 819 (2023)