

SUPREME COURT OF GEORGIA

Coates v. State, 304 Ga. 329

818 S.E.2d 622 (2018) · Decided August 27, 2018

SUMMARY

The Georgia Supreme Court held that OCGA § 16-11-131(b) permits only one prosecution and conviction for the simultaneous possession of multiple firearms by a convicted felon. The court reversed the Court of Appeals, vacated Coates's four convictions and sentences, and remanded for conviction and resentencing on one count.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; Hines, C.J.; Melton, P.J.; Benham, J.; Nahmias, J.; Blackwell, J.; Boggs, J.; Peterson, J.
JURISDICTION	Georgia
DECIDED	August 27, 2018
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Certiorari review of the Court of Appeals of Georgia's decision affirming Coates's convictions and sentences on four counts of possession of a firearm by a convicted felon.
STANDARD OF REVIEW	De novo review of the interpretation of OCGA § 16-11-131 (b) and the applicable unit of prosecution.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Georgia
PARTIES	Hubert Coates v. State

TOPICS

- statutory interpretation
- double jeopardy
- rule of lenity
- criminal procedure
- sentencing

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- constitutional law

QUESTIONS PRESENTED

1. Whether OCGA § 16-11-131 (b) permits multiple convictions and sentences when a convicted felon simultaneously possesses multiple firearms.
2. What the unit of prosecution is under OCGA § 16-11-131 (b) for simultaneous possession of multiple firearms.

HOLDINGS

1. OCGA § 16-11-131 (b) permits only one prosecution and conviction for a convicted felon's simultaneous possession of multiple firearms.

KEY QUOTATIONS

“Accordingly, we conclude that OCGA § 16-11-131 (b) is unambiguous and permits only one prosecution and conviction for the simultaneous possession of multiple firearms.” (625)

“Reading the statute in a natural and ordinary way, it is clear that the gravamen of the offense is the general receipt, possession, or transportation of firearms by convicted felons, rather than the specific quantity of firearms received, possessed, or transported.” (625)

“Judgment reversed in part and vacated in part, and case remanded with direction.” (333)

FACTUAL BACKGROUND

In May 2014, police executed a search warrant at two neighboring Coffee County addresses, one operated by Coates as a make-shift store and the other serving as his residence. Police recovered four firearms from Coates's residence and less than an ounce of marijuana from inside and outside the store. Coates was convicted of four counts of possession of a firearm by a convicted felon and sentenced on each count.

PROCEDURAL HISTORY

After police recovered four firearms from Coates's residence, Coates was convicted and sentenced on four counts of possession of a firearm by a convicted felon. The Court of Appeals affirmed, holding that OCGA § 16-11-131 (b) permitted separate convictions and sentences for each firearm. The Supreme Court of Georgia granted certiorari, reversed the Court of Appeals, vacated the four convictions and sentences, and remanded for conviction and resentencing on only one count.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must convict and resentence Coates on only one count of possession of a firearm by a convicted felon.

CASES CITED

- State v. Marlowe, 277 Ga. 383 (1), 589 S.E.2d 69 (2003)

- Sanabria v. United States, 437 U.S. 54, 70, 98 S.Ct. 2170, 57 L.Ed.2d 43 (1978)
- Hankla v. Postell, 293 Ga. 692, 693, 749 S.E.2d 726 (2013)
- In re Estate of Gladstone, 303 Ga. 547, 549, 814 S.E.2d 1 (2018)
- Pope v. State, 301 Ga. 528, 530, 801 S.E.2d 830 (2017)
- Landers v. State, 250 Ga. 501, 503, 299 S.E.2d 707 (1983)
- Stovall v. State, 287 Ga. 415, 423, 696 S.E.2d 633 (2010)
- Acey v. Commonwealth, 29 Va. App. 240, 511 S.E.2d 429, 434 (1999)
- Haley v. State, 289 Ga. 515, 527, 712 S.E.2d 838 (2011)
- United States v. Verrecchia, 196 F.3d 294 (II) (A) (1st Cir. 1999)
- United States v. Valentine, 706 F.2d 282 (V) (10th Cir. 1983)
- United States v. Rosenbarger, 536 F.2d 715 (III) (6th Cir. 1976)
- Coates v. State, 342 Ga. App. 148, 802 S.E.2d 65 (2017)

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