

SUPREME COURT OF GEORGIA

Smith v. State, 277 Ga. 213

586 S.E.2d 639 (2003) · No. S03A0968 · Decided September 15, 2003

SUMMARY

The Supreme Court of Georgia affirmed Ryan Alenn Smith’s malice-murder conviction and the denial of his motion for a new trial. The court rejected challenges concerning the sufficiency of the evidence, indictment irregularities, jury proceedings, evidentiary rulings, prosecutorial conduct, jury instructions, and alleged destruction of evidence. All justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	September 15, 2003
DOCKET	S03A0968
DISPOSITION	affirmed
PROCEDURAL POSTURE	Smith appealed the denial of his motion for new trial following his conviction for malice murder and life sentence.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. Evidentiary, mistrial, juror-substitution, jury-selection, and related trial-management rulings are generally reviewed for abuse of discretion, while unpreserved errors are ordinarily waived.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ryan Alenn Smith v. The State

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- jury instructions
- allen charge

PRACTICE AREAS

- Georgia criminal law
- criminal appellate procedure
- criminal evidence
- jury instructions

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Smith's malice-murder conviction.
2. Whether defects and unredacted references to uncharged offenses on the indictment required reversal.
3. Whether the trial court erred in denying a mistrial based on courtroom disruptions and the length of jury deliberations.
4. Whether substitution of an alternate juror during deliberations was reversible error.
5. Whether evidentiary rulings concerning witness examination, impeachment, the victim's drug use, and destroyed biological samples were erroneous.
6. Whether the trial court erred in its handling of juror challenges and jury instructions, including the Allen charge.
7. Whether alleged prosecutorial misconduct, burden-shifting, improper argument, sequestration violations, and other asserted trial errors were preserved and warranted reversal.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Smith guilty of malice murder beyond a reasonable doubt.
2. Smith waived any objection to the indictment's lack of perfect form by failing to file a special demurrer before pleading not guilty, and the trial court's dead-docketing of two offenses mistakenly listed on the indictment did not render the indictment void.
3. Although the trial court erred by failing to redact or mask references to the two additional uncharged offenses before sending the indictment to the jury, Smith waived the issue by failing to request concealment before the jury retired.
4. The trial court did not abuse its discretion in denying a mistrial after an outburst by the victim's sister and other alleged courtroom disturbances.
5. The trial court did not abuse its discretion in denying a mistrial based on the unusually lengthy jury deliberations.
6. The jury instructions, including the Allen charge, were not erroneous, and the failure to give other requested instructions was waived where Smith did not request them in writing.
7. Several asserted errors, including alleged prosecutorial misconduct, improper closing argument, burden shifting, evidence concerning the victim's family, and other matters not timely raised below, were waived and did not warrant reversal.

KEY QUOTATIONS

*“On appeal, a conviction will be affirmed if this Court determines that, under the evidence, any rational trier of fact could have found proof of guilt beyond a reasonable doubt.” (*641-*642)*

*“The general rule in this State is that “a motion for mistrial based on the length of the jury's deliberation is within the sound discretion of the trial court. [Cits.]” (*643)*

*“Georgia “has long followed the contemporaneous objection rule, which provides that counsel must make a proper objection on the record at the earliest possible time to preserve for review the point of error”. ” (*644)*

FACTUAL BACKGROUND

Smith and coworker Cleopatra Mwangi encountered the victim, Bubak Soleimani, in Midtown Atlanta after the victim purchased crack cocaine. According to Mwangi, Smith followed the victim, punched him, pursued him, and later returned carrying a bloodied pocketknife and stating that he thought he had killed someone. The victim suffered three stab wounds, including a fatal wound to the heart. Smith testified that the victim attacked and choked him, and that he stabbed the victim in self-defense.

PROCEDURAL HISTORY

Smith was indicted in Fulton County on malice murder, felony murder, aggravated assault, and possession of a knife during commission of a felony. A jury found him guilty of malice murder on April 29, 2002, and he was sentenced to life imprisonment. The trial court denied his motion for new trial on January 21, 2003; the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Roberts v. State, 259 Ga. 441, 442(1), 383 S.E.2d 872 (1989)
- State v. Eubanks, 239 Ga. 483, 484-485, 238 S.E.2d 38 (1977)
- Freeman v. State, 268 Ga. 185(3), 486 S.E.2d 348 (1997)
- Morrow v. State, 229 Ga. App. 242(4), 493 S.E.2d 616 (1997)
- Tankersley v. State, 155 Ga. App. 917(5), 273 S.E.2d 862 (1981)
- Page v. State, 120 Ga. App. 709-710(1), 172 S.E.2d 207 (1969)
- Salem v. State, 228 Ga. 186(5), 184 S.E.2d 650 (1971)
- Todd v. State, 274 Ga. 98(5), 549 S.E.2d 116 (2001)
- Graham v. State, 171 Ga. App. 242(5), 319 S.E.2d 484 (1984)
- Cail v. Griffin, 224 Ga. 431(2), 162 S.E.2d 356 (1968)
- Reid v. State, 204 Ga. App. 358(1), 419 S.E.2d 321 (1992)
- Cofield v. State, 247 Ga. 98, 113(8), 274 S.E.2d 530 (1981)
- Duckworth v. State, 268 Ga. 566, 567(1), 492 S.E.2d 201 (1997)
- Sandoval v. State, 264 Ga. 199(2)(a), 442 S.E.2d 746 (1994)
- Jones v. Scarborough, 194 Ga. App. 468(2), 390 S.E.2d 674 (1990)
- Miller v. State, 275 Ga. 730(5), 571 S.E.2d 788 (2002)
- Drake v. State, 272 Ga. 797(3), 537 S.E.2d 336 (2000)

- Johnson v. State, 253 Ga. 37, 38, 315 S.E.2d 871 (1984)
- Spaulding v. State, 232 Ga. 411(4), 207 S.E.2d 43 (1974)
- Burchette v. State, 260 Ga. App. 739(3), 580 S.E.2d 609 (2003)
- Scott v. State, 274 Ga. 476(5), 554 S.E.2d 488 (2001)
- Davis v. State, 266 Ga. 801(5), 471 S.E.2d 191 (1996)
- State v. Larocque, 268 Ga. 352, 353, 489 S.E.2d 806 (1997)
- Mullins v. State, 270 Ga. 450(2), 511 S.E.2d 165 (1999)
- Earnest v. State, 262 Ga. 494, 495, 422 S.E.2d 188 (1992)
- Rogers v. State, 224 Ga. App. 359(2), 480 S.E.2d 368 (1997)
- Lewis v. State, 172 Ga. App. 68(1), 321 S.E.2d 812 (1984)
- Joyner v. State, 208 Ga. 435, 438, 67 S.E.2d 221 (1953)
- Jones v. State, 273 Ga. 231(17), 539 S.E.2d 154 (2000)
- Allen v. United States, 164 U.S. 492, 17 S. Ct. 154, 41 L. Ed. 528 (1896)