

SUPREME COURT OF GEORGIA

Mize v. State, 277 Ga. 148

586 S.E.2d 648 (2003) · No. S03A0931 · Decided September 15, 2003

SUMMARY

The Supreme Court of Georgia affirmed James Mize's convictions for felony murder, aggravated assault, and possession of a firearm during the commission of a crime arising from the shooting death of William Smith. The court held that the evidence was sufficient, the jury instructions did not improperly permit conviction based on criminal negligence, and the trial court was not required to instruct on involuntary manslaughter where Mize asserted self-defense involving a firearm.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	September 15, 2003
DOCKET	S03A0931
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mize appealed from the denial of his amended motion for new trial following convictions for felony murder, aggravated assault, and possession of a firearm during the commission of a crime.
STANDARD OF REVIEW	The evidence is sufficient if it enables a rational trier of fact to find the defendant guilty beyond a reasonable doubt. Jury instructions are reviewed as a whole to determine whether they correctly stated the applicable law.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	James Mize v. State

TOPICS

- jury instructions
- self defense
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Mize's convictions for felony murder, aggravated assault, and possession of a firearm during the commission of a crime.
2. Whether the jury instructions improperly permitted the jury to convict Mize of felony murder based on criminal negligence.
3. Whether the trial court was required to instruct the jury on involuntary manslaughter in the commission of a lawful act under OCGA § 16-5-3(b) when Mize claimed self-defense in a firearm killing.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Mize guilty beyond a reasonable doubt of felony murder, aggravated assault, and possession of a firearm during the commission of a crime.
2. The trial court did not err by instructing the jury on criminal negligence as part of the general definition of a crime because it separately and correctly instructed the jury on the required elements of aggravated assault and did not authorize criminal negligence to substitute for criminal intent.
3. The trial court was not required to give a charge on involuntary manslaughter in the commission of a lawful act under OCGA § 16-5-3(b) where Mize asserted self-defense in a firearm killing and the jury was instructed on self-defense and accident.

KEY QUOTATIONS

“A charge on involuntary manslaughter in the course of a lawful act is not required in a situation where a defendant asserting self-defense kills another with a firearm.” (649)

FACTUAL BACKGROUND

Mize shot William Smith four times at a hunting club after becoming intoxicated and fighting with Smith's son. Witnesses saw Mize pointing a handgun at Smith after the shots and then pointing it at two witnesses. Mize claimed that Smith attempted to take the gun, that he acted in self-defense, and that the gun fired accidentally during the struggle.

PROCEDURAL HISTORY

Mize was indicted in Glascock County on February 21, 2002. A jury acquitted him of malice murder but convicted him of felony murder based on aggravated assault, two counts of aggravated assault, and three firearm-possession counts on May 22, 2002. The trial court imposed life imprisonment and a consecutive 15-year term, denied Mize's amended motion for new trial on February 5, 2003, and Mize appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Voyles v. State, 249 Ga. 783, 294 S.E.2d 502 (1982)
- Dunagan v. State, 269 Ga. 590(2), 502 S.E.2d 726 (1998)
- Holmes v. State, 272 Ga. 517(7), 529 S.E.2d 879 (2000)
- Morgan v. State, 275 Ga. 222(6), 564 S.E.2d 192 (2002)
- Clark v. State, 271 Ga. 27(2), 518 S.E.2d 117 (1999)

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