

SUPREME COURT OF GEORGIA

Flakes v. The State; The State v. Williams

S25A1023; S25A1024 · No. S25A1023, S25A1024 · Decided February 3, 2026

SUMMARY

The Supreme Court of Georgia addresses consolidated appeals arising from the joint convictions of Jeffrey Flakes, Jr., and Curtis Williams, III, for malice murder and related offenses. The court affirms Flakes’s convictions, rejecting claims concerning video identification testimony, admission of evidence from an earlier shooting, prosecutor disqualification, victim-related evidence, and ineffective assistance of counsel. It reverses the grant of Williams’s new trial based on the prosecutor’s prior representation of him and remands for consideration of his remaining claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Pinson, Justice; All Justices
JURISDICTION	Supreme Court of Georgia
DECIDED	February 3, 2026
DOCKET	S25A1023, S25A1024
DISPOSITION	other
PROCEDURAL POSTURE	Consolidated direct appeals from orders on motions for new trial following joint murder and armed-robbery convictions. Flakes appealed the denial of his motion for new trial; the State appealed the grant of Williams's motion for new trial based on alleged prosecutorial disqualification.
STANDARD OF REVIEW	A ruling on a motion to disqualify a prosecutor is ordinarily reviewed for abuse of discretion. An appellate court reviews de novo a trial court's grant of a first motion for new trial on special grounds involving a question of law. Unpreserved evidentiary claims are reviewed for plain error; evidentiary rulings are reviewed for abuse of discretion; ineffective-assistance claims are governed by Strickland's deficient-performance and prejudice requirements.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Georgia opinion
PARTIES	Jeffrey Flakes, Jr., The State v. The State, Curtis Williams, III

TOPICS

criminal procedure

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standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the State was entitled to reversal of the grant of Williams's motion for new trial based on the prosecutor's alleged conflict under Georgia Rule of Professional Conduct 1.9(a).
2. Whether admission of testimony identifying Flakes's gait in surveillance footage constituted plain error.
3. Whether the trial court abused its discretion by admitting evidence of an uncharged prior shooting without applying Georgia Rule of Evidence 403.
4. Whether Flakes waived his claim that the prosecutor should have been disqualified by failing to raise it promptly.
5. Whether admission of in-life photographs of the victim and victim-impact testimony constituted plain error.
6. Whether trial counsel rendered ineffective assistance by failing to object to the gait-identification testimony or to move timely to disqualify the prosecutor.

HOLDINGS

1. The trial court erred in concluding that its original decision not to disqualify the prosecutor was an abuse of discretion. The prior firearm-possession prosecution and the later murder prosecution were not shown to be the same or substantially related matters, and the law did not compel disqualification.
2. The appellate court reviews de novo a trial court's grant of a first motion for new trial on special grounds involving a question of law.
3. Flakes waived appellate review of his claim that the prosecutor should have been disqualified because he failed to raise it promptly after learning of the potentially disqualifying prior representation.
4. The admission of Lieutenant Locey's testimony that Flakes's gait matched the gait of a person in surveillance footage was not plain error because Flakes failed to show that the testimony likely affected the trial's outcome.
5. The trial court implicitly applied Rule 403, and it did not abuse its discretion by admitting evidence of the July 2018 shooting because the evidence had significant probative value and was not unfairly prejudicial.
6. Even assuming clear and obvious error, Flakes failed to establish plain error because the admission of the photographs and testimony was unlikely to have affected the outcome of the trial.

7. Flakes failed to establish ineffective assistance based on counsel's failure to object to the gait testimony or failure to move promptly to disqualify the prosecutor.

KEY QUOTATIONS

“the standards for disqualification of counsel are not to be “mechanically applied,” and whether matters are substantially related for purposes of applying Rule 1.9 depends on the “facts peculiar to each case.”” (at 15-16)

“A theoretical or speculative conflict will not impugn a conviction.” (at 18)

“Under those circumstances, it is clear that the trial court implicitly ruled that the evidence satisfied Rule 403.” (at 27)

“Importantly, the effectiveness of counsel “is not judged by hindsight or result.”” (at 41)

FACTUAL BACKGROUND

Stanford Duane Jones was found shot to death in his home on August 10, 2018. Cartridge casings recovered from Jones's home were matched to a gun Flakes had used in an earlier, uncharged July 2018 shooting. Evidence also showed extensive phone contact between Flakes and Williams around the time of the murder, Williams's presence at the apartment complex and near the shooting, Williams's admission that he was present when Jones was killed, and surveillance footage depicting two armed individuals entering Jones's home. The prosecutor, Robin King, had previously represented both defendants in unrelated firearm-possession matters while serving as a public defender.

PROCEDURAL HISTORY

A Muscogee County grand jury indicted Flakes and Williams for malice murder, felony murder predicated on aggravated assault, and armed robbery. They were tried jointly from October 24 through October 28, 2022, convicted on all charges, and each received concurrent life sentences for malice murder and armed robbery; the felony-murder counts were vacated by operation of law. The trial court denied Flakes's amended motion for new trial on January 28, 2025, but granted Williams's motion for new trial on January 31, 2025, concluding that the prosecutor should have been disqualified because she had previously represented Williams. The Supreme Court of Georgia affirmed in Flakes's case, reversed the grant of a new trial in Williams's case, and remanded for consideration of Williams's remaining new-trial claims.

DISPOSITION

other

REMAND INSTRUCTIONS

In S25A1023, the judgment denying Flakes's motion for new trial and his convictions and sentences was affirmed. In S25A1024, the grant of Williams's motion for new trial was reversed, and the case was remanded for the trial court to address Williams's remaining claims of error that it had not reached.

CASES CITED

- Neuman v. State, 311 Ga. 83, 88 (2021)
- State v. Kelly, 290 Ga. 29, 30-31 (2011)
- State v. Johnson, 305 Ga. 237, 239 n.5 (2019)
- Hodge v. URFA-Sexton, LP, 295 Ga. 136, 139 (2014)
- Registe v. State, 287 Ga. 542, 548-49 (2010)
- Befekadu v. Addis Int'l Money Transfer, LLC, 332 Ga. App. 103, 104-07 (2015)
- Rescigno v. Vesali, 306 Ga. App. 610, 612-13 (2010)
- Duvall v. Bledsoe, 274 Ga. App. 256, 258-60 (2005)
- Shuttleworth v. Rankin-Shuttleworth of Ga., LLC, 328 Ga. App. 593, 593, 595-96 (2014)
- Humphrey v. State, 244 Ga. App. 808, 811-12 (2000)
- Tyree v. State, 262 Ga. 395, 397-98 (1992)
- Ventura v. State, 346 Ga. App. 309, 309-11 (2018)
- Lamb v. State, 267 Ga. 41, 42 (1996)
- Dees v. State, 322 Ga. 498, 500 (2025)
- Floyd v. State, 321 Ga. 717, 722 (2025)
- Felton v. State, 322 Ga. 530, 540 (2025)
- Jennings v. State, 318 Ga. 579, 588 (2024)
- Lee v. State, 322 Ga. 44, 59 (2025)
- Huff v. State, 315 Ga. 558, 565 (2023)
- State v. Harris, 316 Ga. 272, 278 (2023)
- Wilson v. State, 315 Ga. 728, 738-40 (2023)
- Old Chief v. United States, 519 U.S. 172, 180 (1997)
- Henderson v. State, 317 Ga. 66, 73 (2023)
- Albury v. State, 314 Ga. 459, 461-62 (2022)
- Johnson v. State, 312 Ga. 481, 493-94 (2021)
- Roberts v. State, 315 Ga. 229, 238 (2022)
- Willis v. State, 315 Ga. 19, 28-29 (2022)
- Reed v. State, 314 Ga. 545-46
- Boyd v. State, 284 Ga. 46, 48 (2008)
- Lofton v. State, 309 Ga. 349, 356, 363 (2020)
- Harris v. State, 316 Ga. 141, 146 (2023)
- Nundra v. State, Nundra v. State, 316 Ga. 1, 9-10 (2023)
- Bozzie v. State, 302 Ga. 704, 708 (2017)
- Ragan v. State, 299 Ga. 828, 833 (2016)
- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- Washington v. State, 313 Ga. 771, 773 (2022)

- Heyward v. State, 319 Ga. 588, 592 (2024)
- Crouch v. State, 305 Ga. 391, 400 (2019)
- McIver v. State, 321 Ga. 565, 569 (2025)
- Evans v. State, 315 Ga. 607, 611-12 (2023)
- Watkins v. State, 320 Ga. 862, 875 n.11 (2025)
- Pugh v. State, 318 Ga. 706, 720 (2024)
- Sealey v. State, 277 Ga. 617, 619 (2004)
- Williams v. State, 318 Ga. 83, 97 (2024)

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