

SUPREME COURT OF GEORGIA

Langlands v. State, 280 Ga. 799

633 S.E.2d 537 (2006) · No. S06A0297 · Decided July 14, 2006

SUMMARY

The Supreme Court of Georgia held that the defendant was entitled to a new trial on the charge of possessing a firearm during the commission of a felony because ineffective assistance affecting the justification defense applied to that count. The court also held that counsel's failure to challenge an indictment alleging an impossible offense date prejudiced the defendant and required a new trial on the charge of possessing a firearm as a convicted felon. The judgment was reversed, and all justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice
JURISDICTION	Georgia
DECIDED	July 14, 2006
DOCKET	S06A0297
DISPOSITION	reversed
PROCEDURAL POSTURE	After convictions for malice murder, aggravated assault, possession of a firearm during the commission of a felony, and possession of a firearm by a convicted felon, the trial court granted a new trial on the murder and aggravated-assault counts but denied a new trial on both firearm counts. The defendant appealed.
STANDARD OF REVIEW	The court reviewed the ineffective-assistance claim under the requirement that the defendant show objectively unreasonable performance and prejudice to the defense.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Steven Christopher Langlands v. State of Georgia

TOPICS

- ineffective assistance
- post-conviction relief
- appellate jurisdiction
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

appellate procedure

ineffective assistance

QUESTIONS PRESENTED

1. Whether the trial court erred by granting a new trial on the murder and aggravated-assault counts but not on the possession-of-a-firearm-during-the-commission-of-a-felony count, where the ineffective-assistance finding concerned failure to present evidence supporting justification.
2. Whether trial counsel was ineffective for failing to file a timely demurrer to the defective firearm-by-convicted-felon count in the second indictment.
3. Whether the Supreme Court of Georgia had jurisdiction over the appeal while the murder count remained pending below.

HOLDINGS

1. Because justification applied to the murder, aggravated-assault, and possession-of-a-firearm-during-the-commission-of-a-felony counts, the trial court erred by granting a new trial on the first two counts but denying one on the firearm-during-a-felony count.
2. The trial court erred in denying a new trial on the firearm-by-convicted-felon count because counsel was ineffective for failing to timely challenge the defective indictment, and the failure prejudiced the defense.
3. The Supreme Court of Georgia had jurisdiction because the murder count of the indictment remained pending below.

KEY QUOTATIONS

“If the jury could have found that defendant acted in self-defense with regard to the murder and aggravated assault counts, it also could have acquitted defendant on the charge of possession of a firearm during the commission of a crime.” (633 S.E.2d at 538)

“Under these circumstances, we find that trial counsel’s performance was deficient, and we go on to determine whether defendant was prejudiced.” (633 S.E.2d at 539)

FACTUAL BACKGROUND

Langlands was convicted of malice murder, aggravated assault, possession of a firearm during the commission of a felony, and possession of a firearm by a convicted felon. He claimed justification and argued that trial counsel was ineffective for failing to present evidence that the victim had committed specific acts of violence against a third person. The indictment’s firearm-by-convicted-felon count also alleged that the offense occurred on August 29, 2003, although the indictment was returned on July 28, 2003, and the same charge had previously been quashed after a demurrer.

PROCEDURAL HISTORY

Langlands was convicted in the trial court and sentenced to life imprisonment for malice murder, followed by consecutive five-year terms for the firearm convictions; the aggravated-assault conviction merged with the murder conviction. On a motion for new trial, the trial court found ineffective assistance based on counsel's failure to present evidence supporting justification, granted a new trial on the murder and aggravated-assault counts, and denied relief as to the firearm counts. The Supreme Court of Georgia reversed, holding that a new trial was also required on both firearm convictions.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment denying a new trial on the firearm convictions was reversed, requiring the trial court to grant a new trial on both firearm counts.

CASES CITED

- Chandler v. State, 261 Ga. 402, 407(3), 405 S.E.2d 669 (1991)
- Cain v. State, 277 Ga. 309, 310(1), 588 S.E.2d 707 (2003)
- WALB-TV v. Gibson, 269 Ga. 564, n. 2, 501 S.E.2d 821 (1998)
- State v. Langlands, 276 Ga. 721, 722(2), 583 S.E.2d 18 (2003)
- Wood v. State, 118 Ga. App. 477, 164 S.E.2d 233 (1968)
- Lewis v. State, 55 Ga. App. 743(2), 191 S.E. 278 (1937)
- Heard v. State, 261 Ga. 262, 263, n. 2, 403 S.E.2d 438 (1991)
- Sharp v. State, 278 Ga. 352, 353, 602 S.E.2d 591 (2004)
- Cormier v. State, 277 Ga. 607, 608(2), 592 S.E.2d 841 (2004)
- State v. Dorsey, 251 Ga. App. 788, 555 S.E.2d 141 (2001)

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