

SUPREME COURT OF GEORGIA

Scott v. State

No. S23A0454, Supreme Court of Georgia (September 6, 2023)

SUMMARY

Scott v. State, 2023 Ga. LEXIS 449 (2023). The Supreme Court of Georgia affirmed murder convictions, rejecting claims of ineffective assistance of counsel. Trial counsel was not deficient for failing to request a limiting instruction regarding stipulations to prior felony convictions (used only to prove felon-in-possession status) or a limiting instruction on prior convictions used for impeachment, as such requests could have drawn undue attention to the defendant's criminal history. Counsel also was not prejudiced by failing to object to the prosecutor's closing argument that mischaracterized reasonable doubt, because the evidence of guilt was strong, the prosecutor stated her arguments were not law, and the trial court's accurate instructions cured any error. Because only one possible deficiency was assumed, cumulative prejudice analysis was unnecessary.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Pinson
JURISDICTION	Georgia
DECIDED	September 6, 2023
DOCKET	S23A0454
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from denial of motion for new trial after conviction
STANDARD OF REVIEW	Strickland v. Washington standard for ineffective assistance of counsel
PRECEDENTIAL VALUE	Published
PARTIES	Diontye Scott v. The State

TOPICS

- criminal procedure
- ineffective assistance
- evidence
- impeachment

PRACTICE AREAS

- Criminal Law

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to request a limiting instruction on stipulations to prior convictions for the felon-in-possession counts.
2. Whether trial counsel was ineffective for failing to request a limiting instruction on prior convictions used for impeachment during cross-examination.
3. Whether trial counsel was ineffective for failing to object to the State's closing argument mischaracterizing reasonable doubt.
4. Whether cumulative prejudice from counsel's errors deprived Scott of a fair trial.

HOLDINGS

1. Trial counsel did not act unreasonably by not requesting a limiting instruction; performance was not deficient.
2. Trial counsel did not act unreasonably by not requesting a limiting instruction; performance was not deficient.
3. Even assuming deficiency, Scott failed to show prejudice.
4. Because only one assumed error was found, cumulative prejudice analysis not required.

KEY QUOTATIONS

"The decision of criminal defense counsel not to request limiting instructions is presumed to be strategic."
(10)

"But unlike in Debelbot, Scott offers no basis in particular evidence to think that the prosecutor's comments would have affected the outcome of his trial, and as we explained above, the evidence of Scott's guilt was strong." (17)

FACTUAL BACKGROUND

On October 3, 2017, Diontye Scott shot and killed Antonio Veal and wounded Caitlin Payne at the Garden Inn motel. Scott and his girlfriend had been staying at the motel and had been robbed and shot earlier, leading Scott to believe Veal was involved. During a confrontation, Scott shot Veal in the chest and then shot Payne when she moved toward Veal. Scott fled but was stopped by police, who found evidence linking him to the shooting.

PROCEDURAL HISTORY

Scott was convicted of malice murder and other crimes. He filed a motion for new trial, which was denied after a hearing. He appealed.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668 (1984)
- Davis v. State, 299 Ga. 180, 182-183 (2) (787 SE2d 221) (2016)
- Washington v. State, 313 Ga. 771, 773 (3) (873 SE2d 2022)
- Jones v. State, 280 Ga. 205, 207 (2)(b) (625 SE2d 1) (2005)
- Shaw v. State, 292 Ga. 871, 875 (3)(a) n.7 (742 SE2d 707) (2013)
- Phillips v. State, 285 Ga. 213, 220 (5)(c) (675 SE2d 1) (2009)
- Mohamud v. State, 297 Ga. 532, 533-534 (2)(a) (773 SE2d 755) (2015)
- Jimmerson v. State, 289 Ga. 364, 368 (2)(c) (711 SE2d 660) (2011)
- Debelbot v. State, 308 Ga. 165 (839 SE2d 513) (2020)
- Debelbot v. State, 305 Ga. 534, 543-544 (2) (826 SE2d 129) (2019)
- Warren v. State, 314 Ga. 598, 602-603 (2)(a) (878 SE2d 438) (2022)
- Draughn v. State, 311 Ga. 378, 383 (2)(b) (858 SE2d 8) (2021)
- Schofield v. Holsey, 281 Ga. 809, 811 (II) n.1 (642 SE2d 56) (2007)
- State v. Lane, 308 Ga. 10, 23 (4) (838 SE2d 808) (2020)
- Scott v. State, 309 Ga. 764, 771 (3)(d) (848 SE2d 448) (2020)

CITED IN

- Scott v. State, Scott v. State, 107 Ohio St. 475, 497, 141 N.E. 19
- Scott v. State, Scott v. State, 317 Ga. 218, 222-23(2)(a), 892 S.E.2d 744 (2023)