

SUPREME COURT OF GEORGIA

Coggins v. State, 275 Ga. 479

569 S.E.2d 505 (2002) · No. S02A1211 · Decided September 16, 2002

SUMMARY

The Supreme Court of Georgia affirmed Wapoinica Coggins's convictions for felony murder and criminal attempt to commit armed robbery. The court held that the evidence was sufficient to establish her participation as a party to the crimes, declined to review an unpreserved claim concerning an impermissible judicial comment, and rejected her ineffective-assistance claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice
JURISDICTION	Georgia
DECIDED	September 16, 2002
DOCKET	S02A1211
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a judgment of conviction for felony murder, with criminal attempt to commit armed robbery as the underlying felony, and from the denial of an amended motion for new trial.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under the standard applicable to whether the evidence authorized the jury's verdict. The ineffective-assistance claim was reviewed under Strickland's deficient-performance and prejudice test, with deference to the trial court's factual determinations and credibility findings. The unpreserved claim concerning the trial court's comment on the evidence was not reviewed.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Wapoinica Coggins v. State

TOPICS

- criminal procedure
- ineffective assistance
- preservation of error
- appellate procedure
- evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Coggins's convictions as a party to the attempted armed robbery and felony murder.
2. Whether the trial court violated OCGA § 17-8-57 by expressing or intimating an opinion concerning the evidence or Coggins's guilt, and whether that issue was preserved for appellate review.
3. Whether trial counsel provided ineffective assistance by allegedly failing to consult with Coggins after the mistrial, failing to move for a directed verdict, and failing to challenge the voluntariness of her statements or request a Jackson-Denno hearing.

HOLDINGS

1. The evidence was sufficient for the jury to find Coggins a party to the attempted armed robbery because she knew of and approved the planned robbery and aided it by bringing the victim to the location. The evidence was also sufficient to support felony-murder liability because the fatal shooting of the armed-robbery victim was a probable consequence of the robbery.
2. The court would not review Coggins's claim that the trial court impermissibly commented on the evidence because she made no objection or motion for mistrial at trial.
3. Coggins failed to establish ineffective assistance of counsel. Counsel's consultation with Coggins was a credibility issue the trial court was entitled to resolve against her; declining to request a Jackson-Denno hearing was not deficient where she offered no meritorious basis to challenge the voluntariness of her statements; and failing to seek a directed verdict was not deficient because the evidence was sufficient to support the convictions.

KEY QUOTATIONS

"Every person concerned in the commission of a crime is a party thereto and may be charged with and convicted of commission of the crime." (505)

"All the participants in a plan to rob are criminally responsible for the act of each committed in the execution of the plan and which may be said to be a probable consequence of the unlawful design, even though the particular act may not have actually been a part of the plan. [Cits.]" (505)

FACTUAL BACKGROUND

Robert Brown was killed by a 9-millimeter gunshot outside an apartment to which Coggins had driven him. Coggins told an occupant that her boyfriend intended to rob Brown, changed the planned location when the occupant objected, and asked Brown to go outside. A masked, armed man then demanded money from Brown, Coggins fled, and the occupants heard a shot and found Brown dead. Coggins was convicted of felony murder and criminal attempt to commit armed robbery as the underlying felony.

PROCEDURAL HISTORY

Coggins was indicted by a Spalding County grand jury, tried before a jury in February 2001 in a proceeding that ended in a mistrial, and convicted after a second jury trial in April 2001. She was sentenced to life imprisonment. The trial court denied her amended motion for new trial, and she appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- Burks v. State, 268 Ga. 504, 505, 491 S.E.2d 368 (1997)
- Hemphill v. State, 242 Ga. App. 751(1), 531 S.E.2d 150 (2000)
- Lobdell v. State, 256 Ga. 769(7), 353 S.E.2d 799 (1987)
- Austin v. State, 261 Ga. 550(1), 408 S.E.2d 105 (1991)
- Pickren v. State, 272 Ga. 421(8), 530 S.E.2d 464 (2000)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Mobley v. State, 271 Ga. 577, 523 S.E.2d 9 (1999)
- Byrd v. State, 274 Ga. 58(2), 548 S.E.2d 2 (2001)
- Robinson v. State, 210 Ga. App. 278(5), 435 S.E.2d 718 (1993)