

SUPREME COURT OF GEORGIA

Gibson v. Head, Warden

S26A0185 (Ga. Mar. 3, 2026) · No. S26A0185 · Decided March 3, 2026

SUMMARY

The Supreme Court of Georgia affirmed the denial of Exzavious Gibson’s second habeas corpus petition arising from his 1990 murder and armed robbery convictions. Gibson argued that his trial counsel had an impermissible conflict of interest because counsel simultaneously served as a Special Assistant Attorney General and withdrew subpoenas directed to GBI analysts. The court held that Gibson failed to establish that an actual conflict significantly and adversely affected counsel’s performance under Cuyler v. Sullivan.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	LaGrua, Justice; All participating Justices
JURISDICTION	Supreme Court of Georgia
DECIDED	March 3, 2026
DOCKET	S26A0185
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of Gibson's second petition for writ of habeas corpus. The Supreme Court of Georgia previously remanded the conflict-of-interest claim for an evidentiary hearing and review of its procedural bar and merits.
STANDARD OF REVIEW	The Supreme Court accepts the habeas court's factual findings unless clearly erroneous, defers to the habeas court's credibility determinations, and applies the law to the facts de novo. The presence or absence of an actual conflict of interest is a mixed question of fact and law reviewed de novo.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Exzavious Gibson v. Head, Warden

TOPICS

state post-conviction relief

successive petitions

post-conviction relief

ineffective assistance

right to counsel

PRACTICE AREAS

state post-conviction relief

criminal procedure

constitutional law

legal ethics and professional responsibility

QUESTIONS PRESENTED

1. Whether Gibson established that his counsel labored under an actual conflict of interest that significantly and adversely affected counsel's performance, thereby violating Gibson's Sixth Amendment right to effective assistance of counsel.
2. Whether the habeas court should apply the *Cuyler v. Sullivan* actual-adverse-effect standard or the presumption-of-prejudice standard used in the unusual circumstances of *Sallie v. State* and *Howerton v. Danenberg*.

HOLDINGS

1. Even assuming that counsel's undisclosed simultaneous employment created a potential conflict of interest, Gibson failed to prove that an actual conflict existed and significantly and adversely affected counsel's representation.
2. The Supreme Court reviews the habeas court's factual findings for clear error, defers to its credibility determinations, and reviews de novo the legal application and the mixed question whether an actual conflict existed.
3. The *Cuyler* standard, rather than the presumption-of-prejudice standard applied in *Sallie* and *Howerton*, governed because the unusual and egregious circumstances present in those cases were absent.

KEY QUOTATIONS

"In order to demonstrate a violation of his Sixth Amendment rights, a defendant must establish that an actual conflict of interest adversely affected his lawyer's performance" (at 11-12)

"Accordingly, as explained above, Cuyler is the appropriate standard to be applied in evaluating a conflict-of-interest claim like Gibson's." (at 20-21)

FACTUAL BACKGROUND

Gibson was 17 when he was convicted of murdering a grocery-store owner and committing armed robbery in 1990. His trial and appellate counsel, Dennis Mullis, was a public defender who also served as a Special Assistant Attorney General handling Department of Transportation matters. During trial, Mullis withdrew subpoenas directed to GBI analysts after the Attorney General's Office moved to quash them and sought sanctions. Gibson argued that Mullis withdrew the subpoenas to protect his separate employment relationship, but Mullis testified that he withdrew them to avoid sanctions or contempt, and the habeas court credited that testimony.

PROCEDURAL HISTORY

Gibson was convicted of murder and armed robbery in 1990, and the Supreme Court of Georgia affirmed in 1991. His first state habeas petition was denied in 1997. His second petition, filed in 2000, was initially dismissed as successive, but the Supreme Court of Georgia remanded the conflict-of-interest claim for further proceedings because the claim was based on allegedly newly discovered information concerning trial counsel's simultaneous service as a Special Assistant Attorney General. After further remands, the habeas court determined in 2023 that the claim was not procedurally barred but denied it on the merits. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Cuyler v. Sullivan, 446 U.S. 335, 348-50 (1980)
- Gibson v. State, 261 Ga. 313, 313-17 (1991)
- Gibson v. Turpin, 270 Ga. 855, 855-56 (1999)
- Gibson v. Head, 282 Ga. 156, 156-59 (2007)
- Roper v. Simmons, 543 U.S. 551 (2005)
- Huitron v. Toby, S25A0124, slip op. at 15-17, 21-22 (Ga. Feb. 3, 2026)
- Dills v. Weaver, S25A1367, slip op. at 17 (Ga. Jan. 5, 2026)
- Adams v. State, 317 Ga. 342, 351, 355 (2023)
- Hall v. Jackson, 310 Ga. 714, 719-21 (2021)
- Moore v. State, 311 Ga. 506, 511 (2021)
- Tolbert v. State, 298 Ga. 147, 149-50 (2015)
- State v. Abernathy, 289 Ga. 603, 604 (2011)
- Humphrey v. Walker, 294 Ga. 855, 860 (2014)
- Sallie v. State, 269 Ga. 446, 447-48 (1998)
- Fogarty v. State, 270 Ga. 609, 610-11 (1999)
- Howerton v. Danenberg, 279 Ga. 861, 863 (2005)