

SUPREME COURT OF GEORGIA

Hall v. Lewis, 286 Ga. 767

692 S.E.2d 580 (2010) · No. No. S09A1862 · Decided March 22, 2010

SUMMARY

The Supreme Court of Georgia reviewed a habeas court’s grant of relief vacating Christopher K. Lewis’s malice murder conviction based on alleged ineffective assistance of trial and appellate counsel. The court held that the habeas court erred in finding prejudice because the omitted evidence did not establish a reasonable probability of a voluntary manslaughter verdict, and it reversed in part and remanded in part.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Carley, Presiding Justice; All Justices
JURISDICTION	Georgia
DECIDED	March 22, 2010
DOCKET	No. S09A1862
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Warden appealed the habeas court's order granting Lewis habeas relief and vacating his malice murder conviction. The Supreme Court of Georgia reviewed the habeas court's legal conclusions and factual findings concerning ineffective assistance of counsel and remanded unresolved claims.
STANDARD OF REVIEW	The Supreme Court accepts the habeas court's factual findings and credibility determinations unless clearly erroneous, but independently applies the governing legal principles to those facts.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Warden v. Christopher K. Lewis

TOPICS

- state post-conviction relief
- habeas corpus
- ineffective assistance
- procedural due process
- sentencing

PRACTICE AREAS

criminal law

state habeas corpus

post-conviction relief

ineffective assistance of counsel

capital sentencing

QUESTIONS PRESENTED

1. Whether appellate counsel's failure to raise trial counsel's alleged ineffectiveness established cause and prejudice sufficient to overcome procedural default of the underlying ineffective-assistance claim.
2. Whether trial counsel's failure to investigate and present evidence supporting voluntary manslaughter, intoxication, relationship evidence, impeachment, mental retardation, or an actual-innocence theory prejudiced Lewis under Strickland.
3. Whether the habeas court properly vacated Lewis's malice murder conviction based on ineffective assistance of counsel.
4. Whether unresolved claims should be remanded to the habeas court for consideration.

HOLDINGS

1. Lewis failed to show a reasonable probability that the jury would have convicted him of voluntary manslaughter rather than malice murder had trial counsel presented the additional habeas evidence. Therefore, he could not establish prejudice under Strickland or cause to overcome procedural default.
2. Evidence that Lewis had been intoxicated did not support reducing the murder to voluntary manslaughter and did not establish prejudice from counsel's failure to present that evidence.
3. The habeas court erred in vacating Lewis's malice murder conviction because Lewis failed to establish prejudice from the alleged ineffective assistance of trial and appellate counsel.
4. The case must be remanded to the habeas court to consider the several claims on which it had reserved ruling.

KEY QUOTATIONS

"Thus, Lewis' claim of ineffective assistance of trial counsel could have been raised in his motion for new trial and on direct appeal and, accordingly, it is barred as procedurally defaulted, at least as an independent claim." (585-586)

"On the contrary, Lewis stated that "[he] wasn't mad," that he "ha[d] no reason to be mad," that "[n]othing had happened between [him and the victim] for [him] to be mad," that his "intentions were to scare her," that it was a "practical joke [that] just went too far," and that he did not see Epps." (588)

"All things considered, we conclude that the habeas court erred as a matter of law in finding that Lewis was prejudiced by trial counsel's presentation of their actual innocence theory." (594-595)

FACTUAL BACKGROUND

Lewis and Cheryl Lewis were married but had lived apart after a tumultuous relationship involving domestic violence, stalking, and repeated harassment. On December 19, 1996, Lewis entered or appeared in Cheryl Lewis's apartment while her children were present and fatally stabbed her, inflicting numerous wounds and

severing major blood vessels. A child identified Lewis as the attacker, and police found DNA matching the victim's blood on Lewis's clothing and arrested him carrying a knife.

PROCEDURAL HISTORY

Lewis was convicted of malice murder and related offenses and sentenced to death. After direct-review proceedings, he filed a state habeas petition, which was amended and tried in an evidentiary hearing. The habeas court found ineffective assistance at the guilt and sentencing phases, ineffective assistance of appellate counsel, and that Lewis was mentally retarded; it granted relief as to the malice murder conviction and death sentence. The Warden appealed only the vacation of the malice murder conviction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the portion of the habeas court's order vacating Lewis's malice murder conviction and remand for consideration of the remaining claims on which the habeas court reserved ruling.

CASES CITED

- Lewis v. State, 275 Ga. 194, 565 S.E.2d 437 (2002)
- Lewis v. State, 277 Ga. 534, 592 S.E.2d 405 (2004)
- Head v. Ferrell, 274 Ga. 399, 554 S.E.2d 155 (2001)
- Waldrip v. Head, 279 Ga. 826, 620 S.E.2d 829 (2005)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Smith v. Francis, 253 Ga. 782, 325 S.E.2d 362 (1985)
- Shorter v. Waters, 275 Ga. 581, 571 S.E.2d 373 (2002)
- Battles v. Chapman, 269 Ga. 702, 506 S.E.2d 838 (1998)
- Sloan v. Sanders, 271 Ga. 299, 519 S.E.2d 219 (1999)
- Turpin v. Lipham, 270 Ga. 208, 510 S.E.2d 32 (1998)
- Lajara v. State, 263 Ga. 438, 435 S.E.2d 600 (1993)
- Brewer v. Hall, 278 Ga. 511, 603 S.E.2d 244 (2004)
- United States v. Cronin, 466 U.S. 648, 104 S. Ct. 2039, 80 L. Ed. 2d 657 (1984)
- State v. Heath, 277 Ga. 337, 588 S.E.2d 738 (2003)
- Mack v. State, 272 Ga. 415, 529 S.E.2d 132 (2000)
- Strickland v. State, 257 Ga. 230, 357 S.E.2d 85 (1987)
- Culmer v. State, 282 Ga. 330, 647 S.E.2d 30 (2007)
- Demons v. State, 277 Ga. 724, 595 S.E.2d 76 (2004)
- Doss v. State, 262 Ga. 499, 422 S.E.2d 185 (1992)
- Nance v. State, 272 Ga. 217, 526 S.E.2d 560 (2000)

- Bright v. State, 265 Ga. 265, 455 S.E.2d 37 (1995)
- Bradberry v. State, 170 Ga. 859, 154 S.E. 344 (1930)
- Partridge v. State, 256 Ga. 602, 351 S.E.2d 635 (1987)
- Payne v. State, 273 Ga. 317, 540 S.E.2d 191 (2001)
- Roseberry v. State, 274 Ga. 301, 553 S.E.2d 589 (2001)
- Waldrip v. Head, 279 Ga. 826, 620 S.E.2d 829 (2005)
- Carter v. State, 244 Ga. 803, 262 S.E.2d 109 (1979)
- Allen v. State, 277 Ga. 502, 591 S.E.2d 784 (2004)
- Woods v. State, 269 Ga. 60, 495 S.E.2d 282 (1998)
- Turpin v. Hill, 269 Ga. 302, 498 S.E.2d 52 (1998)
- Stephens v. State, 270 Ga. 354, 509 S.E.2d 605 (1998)
- Lewandowski v. State, 267 Ga. 831, 483 S.E.2d 582 (1997)
- Nelson v. State, 254 Ga. 611, 331 S.E.2d 554 (1985)
- Pringle v. State, 281 Ga. App. 230, 635 S.E.2d 843 (2006)
- Malcolm v. State, 263 Ga. 369, 434 S.E.2d 479 (1993)
- Cochran v. State, 276 Ga. 283, 576 S.E.2d 867 (2003)