

SUPREME COURT OF GEORGIA

Baker v. State, 280 Ga. 822

633 S.E.2d 541 (2006) · No. S06A0500 · Decided July 18, 2006

SUMMARY

The Supreme Court of Georgia affirmed Desmond Baker's misdemeanor reckless-conduct convictions for leaving his infant and toddler children unsupervised near an unprotected staircase. The court held that OCGA § 16-5-60(b) was not unconstitutionally vague as applied to the circumstances and that the investigating officer's testimony regarding the factors leading to the charges did not constitute harmful error. All justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice
JURISDICTION	Georgia
DECIDED	July 18, 2006
DOCKET	S06A0500
DISPOSITION	affirmed
PROCEDURAL POSTURE	Baker appealed his convictions for two counts of misdemeanor reckless conduct under OCGA § 16-5-60(b), challenging the statute's constitutionality and the admission of opinion testimony by the investigating officer.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under whether a rational trier of fact could find guilt beyond a reasonable doubt. The vagueness challenge was evaluated under the fair-notice standard as applied to the facts of the case.
PRECEDENTIAL VALUE	published Georgia Supreme Court opinion
PARTIES	Desmond Baker v. State

TOPICS

- criminal procedure
- due process
- void for vagueness
- fourteenth amendment
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Baker's convictions for misdemeanor reckless conduct under OCGA § 16-5-60(b).
2. Whether OCGA § 16-5-60(b) was unconstitutionally vague under the Due Process Clause of the Fourteenth Amendment as applied to Baker's conduct.
3. Whether the investigating officer improperly gave opinion testimony concerning Baker's legal duty to supervise his children.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Baker guilty beyond a reasonable doubt of two counts of misdemeanor reckless conduct.
2. OCGA § 16-5-60(b) was not unconstitutionally vague as applied to Baker's conduct because it gave a person of ordinary intelligence fair notice that leaving very young children unsupervised near an unprotected staircase could endanger their bodily safety.
3. The admission of the investigating officer's testimony that Baker should have stayed with and cared for the children did not constitute harmful error under the circumstances.

KEY QUOTATIONS

“The Due Process Clause requires that a law give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden.” (633 S.E.2d at 542)

“The children in the case at bar were left with no supervision and in close proximity to a hazard that endangered their bodily safety.” (633 S.E.2d at 543)

FACTUAL BACKGROUND

Baker left his nine-month-old and three-year-old children unsupervised on the upper floor of a two-story townhome while their mother briefly left to make a telephone call. The upper floor had an unprotected flight of at least ten stairs, and Baker left before the children's mother returned. The children were later found unharmed, but the State charged Baker with recklessly endangering each child's bodily safety.

PROCEDURAL HISTORY

A jury convicted Baker of two counts of misdemeanor reckless conduct based on his leaving his two young children unsupervised near an unprotected staircase. The trial court rejected his vagueness challenge and entered judgment on the convictions. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Reyes v. State, 242 Ga. App. 170, 529 S.E.2d 192 (2000)
- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- United States v. Harriss, 347 U.S. 612, 617, 74 S. Ct. 808, 98 L. Ed. 989 (1954)
- United States v. Mazurie, 419 U.S. 544, 550, 95 S. Ct. 710, 42 L. Ed. 2d 706 (1975)
- Hubbard v. State, 256 Ga. 637, 352 S.E.2d 383 (1987)
- State v. Boyer, 270 Ga. 701, 512 S.E.2d 605 (1999)
- Hall v. State, 268 Ga. 89, 485 S.E.2d 755 (1997)
- Simmons v. State, 262 Ga. 674, 424 S.E.2d 274 (1993)
- Horowitz v. State, 243 Ga. 441, 254 S.E.2d 828 (1979)

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