

SUPREME COURT OF GEORGIA

Hayes v. State, 274 Ga. 875

560 S.E.2d 656 (2002) · No. S01A1818 · Decided February 25, 2002

SUMMARY

The Supreme Court of Georgia affirmed Roger Dale Hayes's convictions for two counts of malice murder, burglary, kidnapping, and theft by taking. The court held that a child witness who primarily heard, rather than saw, the events was competent to testify, and that the child-hearsay statute did not apply because the child testified directly. The court also held that questions concerning the witness's credibility and reliability were properly addressed through cross-examination and assessment by the factfinder.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice
JURISDICTION	Georgia
DECIDED	February 25, 2002
DOCKET	S01A1818
DISPOSITION	affirmed
PROCEDURAL POSTURE	Hayes appealed his convictions for malice murder, burglary, kidnapping, and theft by taking, challenging the admission and treatment of testimony by child witness Erica Hayes.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. Witness competency, credibility, reliability, and the resolution of evidentiary conflicts are committed to the factfinder; a child is not incompetent as a matter of law solely because of infancy.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Roger Dale Hayes v. State

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

Criminal law

Evidence

Appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Hayes's convictions.
2. Whether the trial court erred by admitting Erica Hayes's testimony under or in relation to Georgia's child-hearsay statute, OCGA § 24-3-16, where she primarily heard rather than saw the events.
3. Whether the trial court erred by refusing to conduct a separate hearing concerning the reliability and credibility of Erica Hayes's testimony.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Hayes guilty beyond a reasonable doubt of the crimes for which he was convicted.
2. OCGA § 24-3-16 did not govern the admissibility of Erica Hayes's testimony because Erica herself testified at trial rather than a third party recounting her out-of-court statements. Erica was a witness to the crimes even though she perceived them primarily through hearing rather than sight.
3. The trial court was not required to conduct an indicia-of-reliability hearing under OCGA § 24-3-16 because the statute was inapplicable to the child's own in-court testimony. A child is not incompetent as a matter of law because of infancy, and Hayes's challenges to reliability and credibility were matters for cross-examination and the factfinder.

KEY QUOTATIONS

“But Erica Hayes certainly was a witness to the crimes, albeit primarily through her sense of hearing, rather than of sight.” (658)

“The resolution of any evidentiary conflicts and inconsistencies, and assessing witness credibility are the province of the factfinder.” (659)

FACTUAL BACKGROUND

Hayes went to the mobile home of his father, Joseph Roger Hayes, and stepmother, Kathy Rosemary Hayes, with Drew Parsons and Chet Sagner. The victims were fatally stabbed, and Hayes's young stepdaughter, Erica, heard the threats and surrounding events from her bedroom before being taken from the home; she later saw Hayes covered in blood. Other evidence included Hayes's statements, blood evidence, a knife containing the victims' DNA, testimony from Parsons and Sagner, and the burned remains of the victims' vehicle.

PROCEDURAL HISTORY

A Rabun County grand jury indicted Hayes, and he was later reindicted on the same offenses. Following a bench trial on May 9–11, 2001, the trial court found him guilty and imposed life sentences without parole for the two malice-murder convictions, along with additional consecutive and concurrent prison terms. Hayes filed a notice of appeal, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Gissendaner v. State, 272 Ga. 704, 715(12), 532 S.E.2d 677 (2000)
- Herrington v. State, 241 Ga. App. 326, 527 S.E.2d 33 (1999)
- Gregg v. State, 201 Ga. App. 238, 411 S.E.2d 65 (1991)
- London v. State, 274 Ga. 91, 93, 549 S.E.2d 394 (2001)
- Norton v. State, 263 Ga. 448, 449-450(3), 435 S.E.2d 30 (1993)
- Hampton v. State, 272 Ga. 284, 285(1), 527 S.E.2d 872 (2000)

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