

SUPREME COURT OF GEORGIA

Whiting v. State

296 Ga. 429 (2015) · No. S14A1769 · Decided January 20, 2015

SUMMARY

The Supreme Court of Georgia affirmed Preston Whiting’s convictions for felony murder and related offenses arising from the shooting death of Quentin Denley and the shooting of Faron Daniels. The court held that the trial court’s jury instructions adequately addressed causation in the felony-murder charge and that no separate proximate-causation instruction was required. The court also rejected Whiting’s ineffective-assistance claim because counsel argued causation and no reasonable probability existed that an additional instruction would have changed the verdict.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice; All Justices
JURISDICTION	Georgia
DECIDED	January 20, 2015
DOCKET	S14A1769
DISPOSITION	affirmed
PROCEDURAL POSTURE	Whiting appealed his convictions and sentences following a jury trial, challenging the felony-murder jury instructions and the effectiveness of trial counsel.
STANDARD OF REVIEW	Because Whiting did not object to the jury charge, the court reviewed the instructional claim for plain error under OCGA § 17-8-58. The ineffective-assistance claim was reviewed under the applicable deficient-performance and prejudice standard.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the Supreme Court of Georgia
PARTIES	Preston Whiting v. The State

TOPICS

- jury instructions
- instructions objections
- ineffective assistance
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the trial court plainly erred by failing to give a separate sua sponte jury instruction on proximate causation in connection with felony murder.
2. Whether trial counsel was ineffective for failing to adequately argue proximate causation or request a separate proximate-causation instruction.

HOLDINGS

1. The trial court did not err, plainly or otherwise, by failing to give a separate instruction on proximate causation because the indictment and the instructions on felony murder, conspiracy, and parties to a crime adequately informed the jury that Whiting had to have caused, or been a party to causing, Denley's death during the conspiracy to distribute marijuana.
2. Whiting failed to establish ineffective assistance because counsel did argue that the State had to prove Whiting caused the death, and there was no reasonable probability that a separate proximate-cause instruction would have changed the verdict.

KEY QUOTATIONS

“A person also commits murder when, in the commission of a felony, that person causes the death of another human being.”

“The trial court was not required to give a separate charge on proximate causation in order to make this point.”

FACTUAL BACKGROUND

Whiting and Lincoln Boykins went to a Cobb County home during a purported marijuana transaction. Boykins shot Quentin Denley, who later died, and the State charged Whiting with felony murder based on a conspiracy to distribute marijuana and his participation as a party to the crime. Later the same day, while Whiting was driving a group that included Boykins and Donald Hatton, Hatton shot Faron Daniels, after which Whiting fled from police and was apprehended following a vehicle chase.

PROCEDURAL HISTORY

Whiting was indicted in Cobb County on murder, felony-murder, firearm, armed-robbery, aggravated-assault, controlled-substances, conspiracy, and fleeing charges. After a jury trial, he was convicted of felony murder, possession of a firearm during the commission of a crime, aggravated assault, fleeing and attempting to elude, and a controlled-substances offense; the conspiracy charge merged for sentencing. The trial court denied his amended motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Pennie v. State, 292 Ga. 249, 252 (2) (736 SE2d 433) (2013)
- Davis v. State, 290 Ga. 757, 760 (4) (725 SE2d 280) (2012)
- Faulks v. State, Case No. S14A1339 (Ga. Oct. 20, 2014)

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