

SUPREME COURT OF GEORGIA

Sapp v. State, 273 Ga. 472

543 S.E.2d 27 (2001) · No. S01A0396 · Decided February 16, 2001

SUMMARY

The Supreme Court of Georgia affirmed Michael Shawn Sapp’s convictions for malice murder and firearm offenses arising from the shooting death of Frank Grant. Applying the Jackson v. Virginia standard, the court held that the evidence was sufficient for a rational jury to find the requisite malice beyond a reasonable doubt.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice
JURISDICTION	Georgia
DECIDED	February 16, 2001
DOCKET	S01A0396
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sapp appealed his convictions for malice murder and firearm-possession offenses, contending that the evidence was insufficient to support the verdict and that the trial court erred in denying his motion for new trial.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the verdict under the Jackson v. Virginia rational-trier-of-fact standard. It did not reweigh the evidence or assess witness credibility, and the defendant no longer benefited from the presumption of innocence on appeal.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Michael Shawn Sapp v. State

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient for a rational trier of fact to find beyond a reasonable doubt that Sapp acted with the malice required for malice murder.
2. Whether the trial court erred by denying Sapp's motion for new trial based on the alleged insufficiency of the evidence.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find beyond a reasonable doubt that Sapp possessed the requisite malice when he shot and killed the victim.

KEY QUOTATIONS

“The evidence adduced at trial was sufficient to enable a rational trier of fact to find Sapp guilty of the charged crimes beyond a reasonable doubt.” (29)

“On appeal Sapp no longer enjoys the presumption of innocence, and we do not weigh the evidence or judge the credibility of witnesses.” (28)

FACTUAL BACKGROUND

Sapp and two other young men chased a bystander whom one companion had been harassing. After the victim told them to leave the street, Sapp made an obscene comment, approached with a revolver, and shot the unarmed victim. Sapp fled, changed his shirt, and was arrested nearby with a .38-caliber pistol containing one spent casing and one loaded round. Although Sapp testified that he intended only to fire the weapon and did not aim at the victim, the jury could reject that testimony.

PROCEDURAL HISTORY

Sapp was indicted in Richmond County and convicted of malice murder, felony murder based on aggravated assault, possession of a firearm during the commission of a crime, and possession of a firearm by a convicted felon after a bifurcated trial. The trial court imposed a life sentence for malice murder and two consecutive five-year sentences for the possession convictions, then denied Sapp's motion for new trial. 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)
- Humphrey v. State, 252 Ga. 525(1), 314 S.E.2d 436 (1984)
- Casey v. State, 267 Ga. 433, 479 S.E.2d 715 (1997)

