

SUPREME COURT OF GEORGIA

Carter v. The State

S25A1129 · No. S25A1129 · Decided February 17, 2026

SUMMARY

The Supreme Court of Georgia affirmed Donald Carter’s convictions for malice murder and related offenses arising from the shooting death of Samuel Sanders. The court held that, absent a special plea of mental incompetence under OCGA § 17-7-130(b)(2), the trial court was not required to conduct a competency hearing after a state evaluation found Carter competent. The court also rejected Carter’s ineffective-assistance claim for failure to file such a plea because he did not establish prejudice, and noted sentencing merger errors that did not affect the judgment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Ellington, Justice; All the Justices
JURISDICTION	Supreme Court of Georgia
DECIDED	February 17, 2026
DOCKET	S25A1129
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carter appealed his convictions and the denial of his amended motion for new trial, asserting that the trial court improperly failed to conduct a competency hearing and that trial counsel rendered ineffective assistance by failing to file a special plea of mental incompetence.
STANDARD OF REVIEW	Statutory interpretation is reviewed under the plain and ordinary meaning of the statutory text, considered in context and in a manner that avoids surplusage. Ineffective-assistance claims require proof of deficient performance and prejudice; factual findings are reviewed for clear error, while the application of law to facts is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia; overrules conflicting Court of Appeals interpretations in part.
PARTIES	Donald Carter v. The State

TOPICS

criminal procedure

statutory interpretation

ineffective assistance

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

criminal appellate procedure

competency to stand trial

ineffective assistance of counsel

statutory interpretation

QUESTIONS PRESENTED

1. Whether OCGA §§ 17-7-129(a), 17-7-130(b)(1), or 17-7-130(d)(1), absent a special plea of mental incompetence under OCGA § 17-7-130(b)(2), required the trial court to conduct a competency hearing after the Department found Carter competent.
2. Whether trial counsel was ineffective for failing to file a special plea of mental incompetence to stand trial.
3. Whether the trial court's sentencing treatment of the felony-murder and aggravated-assault counts required correction on appeal.

HOLDINGS

1. The applicable versions of OCGA §§ 17-7-129(a) and 17-7-130(b)(1) did not require a competency hearing following the court-ordered evaluation. OCGA § 17-7-130(d)(1)'s deadline for a competency trial applies when a special plea of incompetence has been filed under OCGA § 17-7-130(b)(2); because Carter filed no such plea, the trial court was not required to conduct a competency trial.
2. Carter failed to establish ineffective assistance because, even assuming counsel's failure to file the special plea was deficient, he did not show a reasonable probability that a competency trial would have found him incompetent or that the result of his criminal trial would have been different.
3. The felony-murder conviction stood vacated by operation of law rather than merged into the malice-murder conviction. The trial court also erred by merging the underlying aggravated-assault count into the vacated felony-murder count, but the Supreme Court declined to correct that error because it made no practical difference.

KEY QUOTATIONS

“Therefore, the language regarding a bench trial in OCGA § 17-7-130(d)(1) is best read as setting a deadline for holding a bench trial that was properly requested in a special plea of incompetency pursuant to OCGA § 17-7-130(b)(2).” (14)

“Accordingly, because Carter did not file a special plea of incompetency under OCGA § 17-7-130(b)(2), the court was not required to hold a bench trial as to his competence under OCGA § 17-7-130(d)(1).” (15)

“Because Carter has not shown that there is a reasonable probability that a trial on the issue of his mental competence would result in a finding of incompetence, he has not shown that there is a reasonable probability that, had counsel filed a special plea, the ultimate outcome at his jury trial would have been different.” (22)

FACTUAL BACKGROUND

Carter worked with Samuel Sanders on a furniture-moving trip from Philadelphia to Georgia. On the return trip, after Carter consumed alcohol and became agitated, he pulled out a firearm in the van and shot Sanders, who suffered two gunshot wounds. Carter fled and was found the next morning asleep on top of a gun; he claimed he did not remember the shooting and suggested that alcohol or a substance sprayed in his face caused him to black out. Before trial, a Department psychologist evaluated Carter and found him competent to stand trial, and counsel did not file a special plea of incompetence.

PROCEDURAL HISTORY

A Jackson County grand jury indicted Carter for malice murder and other offenses. A jury convicted him on all counts in May 2023, and the trial court imposed a life sentence plus consecutive terms for firearm-possession and aggravated-assault convictions. The trial court denied Carter's amended motion for new trial after an evidentiary hearing on December 6, 2024. The Supreme Court of Georgia considered the appeal on the briefs and affirmed.

DISPOSITION

affirmed

CASES CITED

- Hulett v. State, 296 Ga. 49, 53 (2014)
- Manner v. State, 302 Ga. 877, 890-891 (2017)
- Marshall v. State, 309 Ga. 698, 700 (2020)
- Profet v. State, 322 Ga. 731, 740-741 (citation omitted)
- White v. State, 305 Ga. 111, 114-115 (2019)
- Clark v. State, 321 Ga. 35, 40 (2025)
- Wetzel v. State, 298 Ga. 20, 28 (2015)
- Scott v. State, 295 Ga. 39, 40 (2014)
- Crawford v. State, 355 Ga. App. 401, 403-404 (2020)
- Beach v. State, 351 Ga. App. 237, 242 (2019)
- Cosby v. State, 365 Ga. App. 574, 577 (2022)
- Strickland v. Washington, 466 U. S. 668, 687 (1984)
- Moulder v. State, 317 Ga. 43, 47 (2023)
- Palmer v. State, 310 Ga. 668, 678 (2021)
- Evans v. State, 315 Ga. 607, 611 (2023)
- Payne v. State, 314 Ga. 322, 329 (2022)
- Lupoe v. State, 300 Ga. 233, 245 (2016)