

SUPREME COURT OF GEORGIA

Allaben v. State

S23A0061 · No. S23A0061 · Decided March 7, 2023

SUMMARY

The Supreme Court of Georgia affirmed Dennis Ronald Allaben’s conviction for malice murder arising from the strangulation death of his wife. The court held that the evidence was constitutionally sufficient to establish malice and that circumstantial evidence supported venue in DeKalb County under Georgia law. All Justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Ellington, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	March 7, 2023
DOCKET	S23A0061
DISPOSITION	affirmed
PROCEDURAL POSTURE	Allaben appealed from his convictions for malice murder and felony murder following his third trial. The Supreme Court of Georgia reviewed challenges to the sufficiency of the evidence supporting malice murder and to proof of venue in DeKalb County.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the verdict and determined whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt under Jackson v. Virginia. The same standard was applied to the sufficiency of the evidence proving venue.
PRECEDENTIAL VALUE	published opinion
PARTIES	Dennis Ronald Allaben v. The State

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was constitutionally sufficient under *Jackson v. Virginia* to support Allaben's conviction for malice murder despite his claim that Maureen's death was accidental and that he lacked intent to kill.
2. Whether the State proved beyond a reasonable doubt that venue was proper in DeKalb County when the body was discovered in Clayton County and no witness directly identified where the fatal injury occurred.

HOLDINGS

1. The evidence was constitutionally sufficient for a rational jury to find beyond a reasonable doubt that Allaben committed malice murder. The jury could reject his accident and lack-of-intent claims, credit his inculpatory admissions, and infer malice from his prolonged strangulation of the victim.
2. The evidence was sufficient to permit the jury to find beyond a reasonable doubt that the murder might have been committed in DeKalb County, and therefore venue was proper under OCGA § 17-2-2 (h). Venue could be established through circumstantial evidence even though no witness directly identified the county where the fatal injury was inflicted.

KEY QUOTATIONS

“Indeed, the jury was authorized to infer from Allaben’s admissions and the medical examiner’s testimony that Maureen’s death was not an “accident,” that Allaben’s actions demonstrated a reckless disregard for human life that showed an abandoned and malignant heart, and, therefore, that Allaben was acting with malicious intent.” (at 11)

“Viewed in the light most favorable to the verdict, the circumstantial evidence was sufficient to authorize a rational jury to find beyond a reasonable doubt that the murder of Maureen “might have been committed” in DeKalb County.” (at 17)

FACTUAL BACKGROUND

Maureen Allaben was found dead after failing to appear at work, and her body was discovered in Allaben's pickup truck in Clayton County. Allaben told his sister-in-law that he had planned to render Maureen unconscious with ether, that he had strangled her, and that her body was in the truck. The medical examiner determined that Maureen died from strangulation and identified injuries consistent with a chokehold, while evidence at the Allaben residence in DeKalb County included a moving blanket matching the one wrapped around the body. The jury could infer that the killing occurred at the DeKalb County residence.

PROCEDURAL HISTORY

Allaben was convicted of malice murder and felony murder at a December 2016 retrial. The felony-murder count was vacated by operation of law, and he was initially sentenced to life without parole. After the trial court denied his amended motion for a new trial except as to the sentence, it resentenced him on October 27, 2021, to

life imprisonment with the possibility of parole. This was Allaben's third appeal; the Supreme Court had previously reversed his convictions in Allaben I and Allaben II. The court affirmed the judgment in this appeal.

DISPOSITION

affirmed

CASES CITED

- Allaben v. State, 294 Ga. 315, 315-316 (751 SE2d 802) (2013)
- Allaben v. State, 299 Ga. 253, 254-255 (787 SE2d 711) (2016)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Walker v. State, 314 Ga. 390, 394 (2) (c) (877 SE2d 197) (2022)
- Welbon v. State, 304 Ga. 729, 730 (1) (822 SE2d 277) (2018)
- Dozier v. State, 307 Ga. 583, 585 (837 SE2d 294) (2019)
- Jones v. State, 303 Ga. 496, 499 (II) (813 SE2d 360) (2018)
- Jones v. State, 314 Ga. 400, 407 (877 SE2d 232) (2022)
- White v. State, 303 Ga. 533, 535 (1) (813 SE2d 592) (2018)
- Bush v. State, 267 Ga. 877, 878 (485 SE2d 466) (1997)
- Wynn v. State, 313 Ga. 827, 836 (3) (874 SE2d 42) (2022)
- Morrison v. State, 300 Ga. 426, 427 (1) (796 SE2d 293) (2017)
- Sheffield v. State, 281 Ga. 33, 35 (2) (635 SE2d 776) (2006)
- Polke v. State, 315 Ga. 33, 37 (3) (880 SE2d 153) (2022)
- Hernandez v. State, 304 Ga. 895, 898 (2) (823 SE2d 272) (2019)
- Pike v. State, 302 Ga. 795, 797 (809 SE2d 756) (2018)
- Worthen v. State, 304 Ga. 862, 865 (3) (a) (823 SE2d 291) (2019)
- Raines v. State, 304 Ga. 582, 584 (1) (820 SE2d 679) (2018)
- Johnson v. State, 302 Ga. 774, 784 (5) (809 SE2d 769) (2018)
- Hinton v. State, 280 Ga. 811, 814 (1) (631 SE2d 365) (2006)