

SUPREME COURT OF GEORGIA

Delaney v. State, 304 Ga. 256

818 S.E.2d 559 (2018) · Decided August 20, 2018

SUMMARY

The Georgia Supreme Court affirmed Raven Marie Delaney’s convictions for malice murder and related offenses arising from the shooting deaths of two men. The court held that trial counsel was not ineffective for failing to object to testimony regarding a co-defendant’s polygraph examinations because counsel used the testimony to support the defense theory that the co-defendant was the actual murderer.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; Hines, Chief Justice; Melton, Presiding Justice; Benham, Justice; Nahmias, Justice; Blackwell, Justice; Boggs, Justice; Peterson, Justice
JURISDICTION	Georgia
DECIDED	August 20, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the denial of an amended motion for new trial following convictions for malice murder and related offenses.
STANDARD OF REVIEW	Ineffective-assistance claims require proof of professionally deficient performance and a reasonable probability that the result would have been different absent the deficiency. The court independently reviews the record in murder cases for legal sufficiency under the rational-trier-of-fact standard.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Raven Marie Delaney v. State

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by failing to object when the State elicited testimony that prosecution witness Josh Rood had passed a polygraph examination.
2. Whether the evidence was legally sufficient to support Delaney's convictions, notwithstanding her failure to challenge sufficiency on appeal.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find beyond a reasonable doubt that Delaney was guilty of the charged offenses.
2. Counsel was not constitutionally ineffective because the decision not to object to the polygraph testimony was not unreasonable under the circumstances and therefore did not constitute deficient performance.

KEY QUOTATIONS

“To establish ineffective assistance of counsel, a defendant must show that trial counsel's performance was professionally deficient and that, but for such deficient performance, there is a reasonable probability that the result of the trial would have been different.” (258)

“Trial counsel's decision not to object to the polygraph testimony was not unreasonable, and, thus, trial counsel did not perform deficiently in this regard.” (258)

FACTUAL BACKGROUND

Delaney was present at a Catoosa County trailer where John Evans and Robert Holcomb sold methamphetamine. She asked others to help rob the victims, later arrived in Evans's van, admitted to Josh Rood that she had shot both men and stolen drugs and cash, and gave Rood the firearm used in the shootings. Delaney gave conflicting accounts to law enforcement, and witnesses testified that she independently admitted shooting the victims and planned to use a recent mental-health crisis to claim insanity.

PROCEDURAL HISTORY

A Catoosa County grand jury indicted Delaney on 14 counts arising from the shooting deaths of John Evans and Robert Holcomb. Following an October 2006 jury trial, she was convicted on all counts and received consecutive life sentences on the malice-murder counts plus two consecutive five-year firearm sentences; other counts were merged or vacated by operation of law. The trial court denied her amended motion for new trial on August 25, 2016, and she timely appealed. The Supreme Court of Georgia submitted the case for decision on the briefs and affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)
- Strickland v. Washington, 466 U.S. 668 (III), 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)
- Wesley v. State, 286 Ga. 355 (3), 689 S.E.2d 280 (2010)
- Romer v. State, 293 Ga. 339, 344, 745 S.E.2d 637 (2013)
- Arnold v. State, 292 Ga. 268, 269, 737 S.E.2d 98 (2013)
- Dixon v. State, 302 Ga. 691 (4), 808 S.E.2d 696 (2017)
- Owens v. State, 303 Ga. 254, 811 S.E.2d 420 (2018)

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