

SUPREME COURT OF GEORGIA

Geiger v. State

295 Ga. 648 (2014) · No. S14A0637 · Decided September 22, 2014

SUMMARY

The Supreme Court of Georgia affirmed Tomorris Geiger’s convictions and sentences arising from the murders, robberies, kidnappings, and vehicle hijackings involving Dewayne and John Bacon. The court held that the evidence was sufficient, similar-transactions evidence was properly admitted, denial of a continuance was not an abuse of discretion, and claims concerning shackling and other character evidence were either meritless or waived. The court also rejected Geiger’s ineffective-assistance claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice; All Justices
JURISDICTION	Georgia
DECIDED	September 22, 2014
DOCKET	S14A0637
DISPOSITION	affirmed
PROCEDURAL POSTURE	Following a jury trial and denial of his motion for a new trial, Geiger appealed his convictions and sentences to the Supreme Court of Georgia, challenging the sufficiency of the evidence, admission of similar-transactions and character evidence, denial of a continuance, and effectiveness of trial counsel.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt. Denial of a continuance is reviewed for clear abuse of discretion, and a defendant must show harm. Ineffective-assistance claims are reviewed under Strickland; factual findings and credibility determinations are accepted unless clearly erroneous, while legal principles are independently applied. Unpreserved evidentiary objections are waived.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Georgia.
PARTIES	Tomorris Geiger v. The State

TOPICS

criminal procedure

evidence

appellate procedure

ineffective assistance

standard of review

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Geiger's convictions.
2. Whether the trial court properly admitted evidence of four similar transactions.
3. Whether the trial court abused its discretion by denying Geiger's second request for a continuance to independently test a shell casing and secure an additional witness.
4. Whether the trial court erred by permitting Geiger to be briefly seen in shackles and by admitting references to his prior incarceration and attempts to evade police custody.
5. Whether trial counsel provided ineffective assistance by failing to call Latoya Brewton, independently test the shell casing, and object to allegedly improper character evidence.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Geiger guilty beyond a reasonable doubt of the offenses for which he was convicted.
2. The trial court did not err by admitting evidence of four similar transactions because the State established a proper purpose, sufficient evidence that Geiger committed the independent acts, and a sufficient connection or similarity between those acts and the charged crimes.
3. The trial court did not abuse its discretion by denying Geiger's second motion for a continuance.
4. The trial court did not err in denying Geiger's request for a new jury panel based on his brief exposure in leg irons, and his challenge to testimony about prior incarceration and attempts to evade police custody was waived because he did not object at trial.
5. Geiger failed to establish ineffective assistance because he did not show deficient performance and prejudice under Strickland.

KEY QUOTATIONS

"Evidence of similar crimes (or transactions) is admissible where its relevance to show identity, motive, plan, scheme, bent of mind and course of conduct, outweighs its prejudicial impact." (Division 2)

"In order to succeed on his claim of ineffective assistance, [Geiger] must prove both that his trial counsel's performance was deficient and that there is a reasonable probability that the trial result would have been different if not for the deficient performance." (Division 5)

FACTUAL BACKGROUND

Geiger and co-defendant Charles Mattox held Dewayne Bacon hostage, lured Dewayne's cousin John to the location, and forced both men into a grave, where Geiger shot them. A nine-millimeter pistol found when Geiger was arrested in 2003 was later connected through a shell casing to the murder scene. The State also presented testimony from a co-defendant and another witness, as well as evidence of four similar robberies or carjackings involving Geiger and Mattox.

PROCEDURAL HISTORY

Geiger was convicted after a November 14–17, 2005 jury trial of malice murder, felony murder, armed robbery, kidnapping, hijacking a motor vehicle, and related offenses. The trial court sentenced him to consecutive life terms for the two malice murders and armed robberies, plus concurrent twenty-year terms for kidnapping and hijacking; the felony-murder convictions were vacated by operation of law and other counts merged for sentencing. The trial court denied Geiger's amended motion for a new trial on October 3, 2013, and Geiger timely appealed. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- *Malcolm v. State*, 263 Ga. 369, 372 (1993)
- *Jackson v. Virginia*, 443 U.S. 307 (1979)
- *Stephens v. State*, 261 Ga. 467 (6), 405 S.E.2d 483 (1991)
- *Guyton v. State*, 206 Ga. App. 145, 145–146 (1), 424 S.E.2d 87 (1992)
- *Matthews v. State*, 294 Ga. 50, 52, 751 S.E.2d 78 (2013)
- *Daniels v. State*, 281 Ga. 226, 228 (1), 637 S.E.2d 403 (2006)
- *Collum v. State*, 281 Ga. 719 (4), 642 S.E.2d 640 (2007)
- *Columbus v. State*, 270 Ga. 658, 665 (4), 513 S.E.2d 498 (1999)
- *Williams v. State*, 317 Ga. App. 248, 256 (3), 730 S.E.2d 726 (2012)
- *Carnett's, Inc. v. Hammond*, 279 Ga. 125, 130 (6), 610 S.E.2d 529 (2005)
- *Gates v. State*, 244 Ga. 587, 593 (2), 261 S.E.2d 349 (1979)
- *Starr v. State*, 209 Ga. 258, 260 (5), 71 S.E.2d 654 (1952)
- *Rhodes v. State*, 264 Ga. 123, 441 S.E.2d 748 (1994)
- *Earnest v. State*, 262 Ga. 494 (1), 422 S.E.2d 188 (1992)
- *Strickland v. Washington*, 466 U.S. 668, 697 (1984)
- *Fuller v. State*, 277 Ga. 505 (3), 591 S.E.2d 782 (2004)
- *Robinson v. State*, 277 Ga. 75, 76, 586 S.E.2d 313 (2003)
- *Wright v. State*, 291 Ga. 869, 870 (2), 734 S.E.2d 876 (2012)
- *Washington v. State*, 294 Ga. 560, 566 (3), 755 S.E.2d 160 (2014)
- *Sutton v. State*, Case No. S14A0941 (Ga. June 16, 2014)

- Ross v. State, 255 Ga. 1, 6 (2)(a), 334 S.E.2d 300 (1985)
- Hayes v. State, 262 Ga. 881, 884 (3)(c), 426 S.E.2d 886 (1993)
- Kitchens v. State, 289 Ga. 242 (2)(b), 710 S.E.2d 551 (2011)

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