

SUPREME COURT OF GEORGIA

Mangrum v. State, 285 Ga. 676

681 S.E.2d 130 (2009) · No. S09A0525 · Decided June 15, 2009

SUMMARY

The Supreme Court of Georgia affirmed Jamerson Mangrum’s convictions for felony murder, aggravated child molestation, rape-related offenses, and evidence-concealment offenses. The court rejected or found waived challenges concerning the voluntariness of police statements, Miranda warnings, expert testimony, lesser-included-offense and accident instructions, sentencing, and jury exhibits. The case was remanded for a hearing on Mangrum’s ineffective-assistance-of-trial-counsel claim.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Carley, Justice; Melton, Justice; Sears, Chief Justice; Hunstein, Presiding Justice
JURISDICTION	Georgia
DECIDED	June 15, 2009
DOCKET	S09A0525
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mangrum appealed his convictions and sentences after a jury trial and the denial of his motion for new trial. The Supreme Court of Georgia affirmed the judgments and remanded for a hearing limited to his ineffective-assistance-of-trial-counsel claim.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence under the rational-trier-of-fact standard; evidentiary and mistrial rulings for abuse of discretion; preservation and waiver issues under applicable procedural rules; and jury-instruction claims for reversible error. The voluntariness ruling concerning Mangrum's statements was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Jamerson Mangrum v. State

TOPICS

criminal procedure

evidence

miranda rights

ineffective assistance

appellate procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate practice

Evidence

Constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Mangrum's convictions.
2. Whether Mangrum's statements to police were involuntary because they were induced by hope of benefit or fear of injury under OCGA § 24-3-50.
3. Whether statements made after a two-hour break in questioning had to be suppressed because police did not repeat the Miranda warnings.
4. Whether the trial court erred in denying a mistrial based on an expert's opinion that the victim's death was a homicide.
5. Whether Mangrum was entitled to an involuntary-manslaughter jury instruction based on statutory rape as the underlying misdemeanor.
6. Whether Mangrum was entitled to an accident-defense jury instruction.
7. Whether the 2006 amendment to Georgia's aggravated-child-molestation statute required reversal of his convictions or related felony-murder verdicts.
8. Whether the trial court erred by denying the motion for new trial without conducting a hearing.
9. Whether the trial court improperly charged that the victim's age supplied the against-her-will element of forcible rape.
10. Whether admitting Mangrum's written statements into the jury room constituted reversible error.
11. Whether the aggravated-child-molestation convictions merged into the vacated felony-murder convictions for sentencing purposes.
12. Whether Mangrum's ineffective-assistance claim was procedurally barred or should be remanded for an evidentiary hearing.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Mangrum guilty beyond a reasonable doubt of felony murder and the other offenses.
2. Mangrum's statements were admissible because they were not induced by an impermissible hope of benefit or fear of injury, and the trial court did not abuse its discretion in finding them voluntary under the totality of the circumstances.
3. The absence of a second Miranda warning after the two-hour break did not require suppression because Mangrum had previously been advised of and waived his rights and the interviews were part of a continuous interrogation.

4. The trial court did not abuse its discretion in denying a mistrial after the forensic-pathology expert testified that the death was a homicide.
5. The trial court properly refused to give an involuntary-manslaughter instruction based on statutory rape.
6. Mangrum was not entitled to an accident instruction because he denied committing any act that caused the victim's death.
7. The 2006 statutory amendment did not require reversal of Mangrum's aggravated-child-molestation convictions or the related vacated felony-murder verdicts.
8. The trial court did not err by denying the motion for new trial without a hearing because Mangrum did not request a hearing.
9. The trial court properly instructed that the victim's age could supply the against-her-will element of forcible rape.
10. The claim concerning the written statements going out with the jury was not preserved because Mangrum made no objection, and he failed to show reversible error in any event.
11. The aggravated-child-molestation convictions did not merge for sentencing purposes because the corresponding felony-murder verdicts were vacated and no sentences were imposed on those felony-murder counts.
12. Mangrum's ineffective-assistance claim was raised at the earliest practicable moment and required remand to the trial court for a hearing limited to that claim.

KEY QUOTATIONS

"The 'hope of benefit' that will render a statement involuntary must relate to the charges facing the suspect, and generally refers to the reward of a lighter sentence for confessing." (at 678)

"However, the lack of a Miranda warning after the break 'is of no consequence, as [Mangrum] was informed of and waived his Miranda rights before the first interview and ... the second interview... [was] part of a continuous series of interviews.'" (at 679)

"Accordingly, if a defendant does not admit to committing any act which constitutes the offense charged, he is not entitled to a charge on the defense of accident." (at 681)

"An enumeration of error 'complaining of the admission of evidence or of documents going out with the jury presents nothing for decision by the Supreme Court where no objection is shown to have been made at trial.'" (at 683)

FACTUAL BACKGROUND

Mangrum contacted a fifteen-year-old victim during the early morning hours, and witnesses later saw vehicles resembling his vehicle leave his neighborhood. The victim's nude and burned body was found several hours later near a bridge, and forensic evidence connected Mangrum to sexual activity involving the victim. Witnesses testified that Mangrum confessed to sexually assaulting the victim, choking her with others, and burning her body to destroy evidence; medical evidence indicated death by asphyxia and injuries consistent with forceful restraint.

PROCEDURAL HISTORY

A jury found Mangrum guilty of three counts of felony murder, two counts of aggravated child molestation, rape, abandoning a dead body, concealing a death, and tampering with evidence. The trial court imposed the described sentences, merged the rape into one felony-murder conviction, and vacated two felony-murder verdicts by operation of law. The trial court denied Mangrum's motion for new trial without a hearing. After notice of appeal and transfer from the Court of Appeals, the Supreme Court of Georgia affirmed the convictions and sentences but remanded for an ineffective-assistance hearing.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remanded to the trial court for a hearing on Mangrum's ineffective-assistance-of-trial-counsel claim alone.

CASES CITED

- *Malcolm v. State*, 263 Ga. 369, 434 S.E.2d 479 (1993)
- *Jackson v. Virginia*, 443 U.S. 307 (1979)
- *Jackson v. Denno*, 378 U.S. 368 (1964)
- *Morse v. State*, 288 Ga. App. 725, 655 S.E.2d 217 (2007)
- *Williams v. State*, 270 Ga. App. 480, 606 S.E.2d 671 (2004)
- *Vergara v. State*, 283 Ga. 175, 657 S.E.2d 863 (2008)
- *Foster v. State*, 283 Ga. 484, 660 S.E.2d 521 (2008)
- *Preston v. State*, 282 Ga. 210, 647 S.E.2d 260 (2007)
- *Smith v. State*, 291 Ga. App. 535, 662 S.E.2d 305 (2008)
- *State v. Roberts*, 273 Ga. 514, 543 S.E.2d 725 (2001)
- *Carswell v. State*, 268 Ga. 531, 491 S.E.2d 343 (1997)
- *Murray v. State*, 276 Ga. 396, 578 S.E.2d 853 (2003)
- *Rounds v. State*, 166 Ga. App. 212, 303 S.E.2d 543 (1983)
- *Stone v. State*, 271 Ga. App. 748, 610 S.E.2d 684 (2005)
- *Nelson v. State*, 289 Ga. App. 326, 657 S.E.2d 263 (2008)
- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Carswell v. State*, 279 Ga. 342, 613 S.E.2d 636 (2005)
- *Williams v. State*, 244 Ga. 485, 260 S.E.2d 879 (1979)
- *Watson v. State*, 227 Ga. 698, 182 S.E.2d 446 (1971)
- *Medlock v. State*, 263 Ga. 246, 430 S.E.2d 754 (1993)
- *Wright v. State*, 285 Ga. 57, 673 S.E.2d 249 (2009)
- *Collum v. State*, 281 Ga. 719, 642 S.E.2d 640 (2007)

- Pittman v. State, 274 Ga. 260, 553 S.E.2d 616 (2001)
- Lashley v. State, 283 Ga. 465, 660 S.E.2d 370 (2008)
- Freeman v. State, 291 Ga. App. 651, 662 S.E.2d 750 (2008)
- Neal v. State, 264 Ga. App. 311, 590 S.E.2d 168 (2003)
- Bostic v. State, 284 Ga. 864, 672 S.E.2d 630 (2009)
- Rutland v. State, 282 Ga. App. 728, 639 S.E.2d 628 (2006)
- Wilson v. State, 279 Ga. 104, 610 S.E.2d 66 (2005)
- Humphrey v. Wilson, 282 Ga. 520, 652 S.E.2d 501 (2007)
- Fleming v. State, 271 Ga. 587, 523 S.E.2d 315 (1999)
- Widner v. State, 280 Ga. 675, 631 S.E.2d 675 (2006)
- Lupoe v. State, 284 Ga. 576, 669 S.E.2d 133 (2008)
- Range v. State, 289 Ga. App. 727, 658 S.E.2d 245 (2008)
- State v. Collins, 270 Ga. 42, 508 S.E.2d 390 (1998)
- Drake v. State, 239 Ga. 232, 236 S.E.2d 748 (1977)
- Flournoy v. State, 266 Ga. 618, 469 S.E.2d 195 (1996)
- Clark v. State, 284 Ga. 354, 667 S.E.2d 37 (2008)
- McClellan v. State, 274 Ga. 819, 561 S.E.2d 82 (2002)
- Glover v. State, 266 Ga. 183, 465 S.E.2d 659 (1996)
- Gregory v. State, 277 Ga. App. 664, 627 S.E.2d 79 (2006)
- Haggard v. State, 273 Ga. App. 295, 614 S.E.2d 903 (2005)