

SUPREME COURT OF GEORGIA

Lambert v. State

287 Ga. 774 (2010) (Ga. 2010) · No. S10A0878 · Decided September 20, 2010

SUMMARY

The Supreme Court of Georgia affirmed Mark Allen Lambert's malice murder conviction and the denial of his motion for a new trial. The court held that, although coercion is not a legal defense to murder, Lambert failed to establish ineffective assistance of counsel under Strickland because the evidence of guilt was overwhelming and he could not demonstrate prejudice.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice; All Justices
JURISDICTION	Georgia
DECIDED	September 20, 2010
DOCKET	S10A0878
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lambert appealed his malice-murder conviction and the denial of his motion for new trial and renewed motion for new trial, asserting ineffective assistance of trial counsel based on counsel's presentation of a coercion theory.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence under whether a rational trier of fact could find guilt beyond a reasonable doubt. It reviewed ineffective-assistance claims under the two-prong Strickland test, requiring deficient performance and resulting prejudice, with a strong presumption that counsel's conduct fell within the broad range of reasonable professional conduct.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Mark Allen Lambert v. The State

TOPICS

- ineffective assistance
- criminal procedure
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Lambert's malice-murder conviction.
2. Whether trial counsel provided ineffective assistance by presenting Lambert's legally invalid coercion theory and failing to pursue another defense.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Lambert guilty beyond a reasonable doubt of malice murder.
2. Lambert failed to establish ineffective assistance of counsel because, even assuming counsel performed deficiently by permitting the coercion theory to reach the jury, he could not demonstrate a reasonable probability that the trial's outcome would have been more favorable.

KEY QUOTATIONS

"However, in order to prevail on his ineffectiveness claim, Lambert has to show that his attorney's performance was deficient and that the deficiency so prejudiced him that there is a reasonable likelihood that, but for the attorney's errors, the outcome of his trial would have been different; in so doing, he has to overcome the strong presumption that his attorney's conduct fell within the broad range of reasonable professional conduct." (356)

"It is true that coercion is not a legal defense to murder." (356)

FACTUAL BACKGROUND

Lambert's roommate, Billy Ray Smith, was found beaten to death in his bed after sustaining between ten and twenty blows to the head. After witnessing his ex-girlfriend kiss Smith, Lambert solicited others to help rob and kill Smith, then went to the home with Kip Cochran and struck Smith with a pipe while Smith was asleep. Lambert attempted to conceal the crime, and DNA evidence connected Smith's blood to the pipe and Lambert's shirt. Lambert initially denied involvement but later told police that Cochran forced him to participate by threatening him with a gun.

PROCEDURAL HISTORY

A Floyd County grand jury indicted Lambert for malice murder, felony murder, aggravated assault, and armed robbery. After a jury trial, he was convicted of malice murder, felony murder, and aggravated assault, but acquitted of armed robbery; he received a life sentence for malice murder and a consecutive sentence for aggravated assault, while the felony-murder conviction was vacated by operation of law. The trial court initially denied the motion for new trial, and the Supreme Court of Georgia remanded for an ineffective-assistance hearing. On September 2, 2009, the trial court denied the motion for new trial and renewed motion for new trial as to the ineffective-assistance claim but merged the aggravated assault for sentencing and rescinded that sentence. The Supreme Court of Georgia 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, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Smith v. State, 282 Ga. 388, 651 S.E.2d 28 (2007)
- Conaway v. State, 277 Ga. 422, 424(2), 589 S.E.2d 108 (2003)
- Hall v. Lee, 286 Ga. 79, 86(3), 684 S.E.2d 868 (2009)
- Bridges v. State, 286 Ga. 535, 539(3), 690 S.E.2d 136 (2010)

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