

COURT OF APPEALS OF GEORGIA

Corey Criswell v. State

Corey Criswell v. State · No. A26A0253 · Decided June 2, 2026

SUMMARY

The Georgia Court of Appeals affirmed the denial of Corey Criswell’s amended motion for a new trial following convictions for armed robbery, attempted armed robbery, aggravated assault, and possession of a firearm during the commission of a felony. The court held that text messages from a witness to law enforcement were properly admitted or did not constitute reversible plain error, that photographs of Criswell’s tattoos were admissible for identification purposes, and that Criswell failed to preserve or demonstrate error concerning cross-examination about his ex-girlfriend’s arrest. The court also rejected Criswell’s cumulative-error claim.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Hodges, J.; Barnes, P. J.; Markle, J.
JURISDICTION	Court of Appeals of Georgia
DECIDED	June 2, 2026
DOCKET	A26A0253
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of an amended motion for new trial following a jury conviction.
STANDARD OF REVIEW	The court reviewed the admission of evidence for the applicable abuse-of-discretion or evidentiary-error standard, reviewed unobjected-to hearsay for plain error, reviewed harmless error de novo, and reviewed ineffective-assistance claims under the Strickland deficient-performance and prejudice standard. Arguments unsupported by authority or a record proffer were treated as abandoned or not reviewable.
PRECEDENTIAL VALUE	Published Georgia Court of Appeals opinion
PARTIES	Corey Criswell v. The State

TOPICS

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QUESTIONS PRESENTED

1. Whether text messages from the Chevron employee to law enforcement were inadmissible hearsay or improper bolstering.
2. Whether trial counsel was ineffective for failing to make a proper hearsay objection to the text messages.
3. Whether photographs depicting Criswell's tattoos were inadmissible character evidence or should have been excluded under Rule 403.
4. Whether the trial court improperly restricted cross-examination of Criswell's ex-girlfriend concerning her prior arrest and alleged bias.
5. Whether cumulative trial error required reversal.

HOLDINGS

1. The challenge to improper bolstering was not properly presented because Criswell failed to identify which messages bolstered which testimony, and the record nevertheless showed no error because the Chevron employee's credibility was eventually attacked and the messages were relevant to the timeline and identification evidence.
2. The trial court did not plainly err by admitting the Chevron employee's statements because Criswell did not preserve a hearsay objection to those statements and Georgia law had not clearly resolved whether the statements qualified as prior identifications under OCGA § 24-8-801(d)(1)(C).
3. Criswell failed to establish ineffective assistance because the challenged objections lacked merit and the scope of statements for identification under Rule 801(d)(1)(C) was unsettled.
4. The trial court did not abuse its discretion by admitting photographs of Criswell's tattoos because the tattoos were relevant to identify him as the person shown in the Chevron surveillance footage, and their probative value was not substantially outweighed by unfair prejudice under Rule 403.
5. The court could not review the claimed restriction because Criswell abandoned the argument by failing to support it with relevant authority and failed to make an adequate proffer of the proposed testimony; in any event, he did not show error.
6. Criswell was not entitled to relief based on cumulative error because the court found, at most, one assumed error, and there were no multiple errors to aggregate.

KEY QUOTATIONS

“The bar for plain error is a high one.” (at 7-8)

“Rule 403 is a rule of inclusion.” (at 12)

FACTUAL BACKGROUND

A masked man robbed a Texaco station in March 2020, threatened and assaulted employees, fired a firearm, and stole money consisting of \$100 bills. An employee at a nearby Chevron recognized the robber from his voice, clothing, distinctive shoes, and later conduct involving a large number of \$100 bills; surveillance also showed the suspect using a distinctive green car. Investigators connected the car to Criswell, and two witnesses identified him as the robber based principally on his voice.

PROCEDURAL HISTORY

Following a jury trial, Criswell was convicted of armed robbery, attempted armed robbery, three counts of aggravated assault, and possession of a firearm during the commission of a felony. The trial court denied his motion for new trial, as amended, and Criswell appealed, challenging evidentiary rulings, ineffective assistance of counsel, and cumulative error.

DISPOSITION

affirmed

CASES CITED

- Williams v. State, 318 Ga. 83, 84 n. 2 (896 SE2d 109) (2024)
- Bass v. State, 287 Ga. App. 600 n. 1 (653 SE2d 749) (2007)
- Evans v. State, 360 Ga. App. 596, 607(10) (859 SE2d 593) (2021)
- Walters v. State, 335 Ga. App. 12, 17 (780 SE2d 720) (2015)
- Hassan v. State, 318 Ga. 673, 677(1) (899 SE2d 693) (2024)
- Taylor v. State, 365 Ga. App. 30, 32-33 (877 SE2d 286) (2022)
- United States v. Lopez, 271 F.3d 472, 484-85(III)(D) (3d Cir. 2001)
- United States v. Kaquatosh, 242 F. Supp. 2d 562, 565(III)(B) (E.D. Wis. 2003)
- Dees v. State, 322 Ga. 498, 502(2) (920 SE2d 626) (2025)
- Strickland v. Washington, 466 U.S. 668, 687(III) (104 S.Ct. 2052, 80 L.Ed.2d 674) (1984)
- Rosenbaum v. State, 320 Ga. 5, 9(1) (907 SE2d 593) (2024)
- Watson v. State, 303 Ga. 758, 763(3) (814 SE2d 396) (2018)
- State v. Spratlin, 305 Ga. 585, 593(2)(a) (826 SE2d 36) (2019)
- Jones v. State, 315 Ga. 117, 121-22(3) (880 SE2d 509) (2022)
- Belmar v. State, 279 Ga. 795, 798(3), 800(3) (621 SE2d 441) (2005)
- Morris v. State, 340 Ga. App. 295, 299(1), 304(2)(c) n. 42 (797 SE2d 207) (2017)
- Grier v. State, 377 Ga. App. 419, 430(2), 657(2) (922 SE2d 643) (2025)
- In the Interest of K. R., 367 Ga. App. 668, 677(2)(b) (888 SE2d 204) (2023)
- Brittain v. State, 329 Ga. App. 689, 704(4)(a) (766 SE2d 106) (2014)
- Vick v. State, 376 Ga. App. 716, 721(2) (920 SE2d 733) (2025)

- Flood v. State, Flood v. State, 311 Ga. 800, 808-09(2)(d) (860 SE2d 731) (2021)

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