

SUPREME COURT OF GEORGIA

Trauth v. State, 283 Ga. 141

657 S.E.2d 225 (2008) · No. S08A0282 · Decided February 11, 2008

SUMMARY

The Supreme Court of Georgia affirmed the denial of Louis Trauth's motion to withdraw his guilty plea to malice murder. The court held that his trial attorneys adequately advised him regarding a possible voluntary manslaughter defense and that he failed to show ineffective assistance affecting his decision to plead guilty. The court also held that Trauth waived his separate ineffective-assistance claim concerning counsel who handled the withdrawal motion by failing to raise it at the earliest practicable moment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Justice Melton
JURISDICTION	Georgia
DECIDED	February 11, 2008
DOCKET	S08A0282
DISPOSITION	affirmed
PROCEDURAL POSTURE	Trauth appealed the trial court's denial of his motion to withdraw his guilty plea to malice murder, asserting ineffective assistance of trial counsel in connection with advice regarding a voluntary manslaughter defense and guilty plea. He also raised, for the first time on appeal, an ineffective-assistance claim concerning counsel who handled the motion to withdraw the plea.
STANDARD OF REVIEW	The Supreme Court reviewed whether the trial court erred in denying the motion to withdraw the guilty plea and whether the record supported the trial court's findings concerning ineffective assistance of counsel. The opinion applied the deficient-performance and reasonable-probability-of-a-different-result standard for ineffective assistance claims and Georgia's earliest-practicable-moment rule for asserting ineffective assistance.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Louis Frank Trauth v. State of Georgia

TOPICS

ineffective assistance

plea bargaining

post-conviction relief

appellate procedure

criminal procedure

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance of counsel

plea withdrawal

QUESTIONS PRESENTED

1. Whether Trauth's trial attorneys rendered ineffective assistance by failing to adequately advise him about the possibility and viability of a voluntary manslaughter or crime-of-passion defense before he pleaded guilty.
2. Whether the trial court erred in denying Trauth's motion to withdraw his guilty plea based on counsel's failure to show him the psychiatric report.
3. Whether Trauth could raise for the first time on appeal an ineffective-assistance claim concerning counsel who represented him at the motion-to-withdraw hearing.

HOLDINGS

1. The trial court properly denied Trauth's motion to withdraw his guilty plea because the record showed that counsel discussed the voluntary manslaughter defense with him, accurately advised that it was highly unlikely to succeed under the facts, investigated the defense, and were prepared to proceed to trial; Trauth failed to establish ineffective assistance.
2. Trauth waived his claim that counsel who handled the motion to withdraw his guilty plea was ineffective because he failed to raise the claim at the earliest practicable moment after that counsel withdrew and instead filed a notice of appeal.

KEY QUOTATIONS

"[A] defendant who pleads guilty and seeks to overturn his conviction because of counsel's errors must show both that counsel's performance was deficient and that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." (226)

FACTUAL BACKGROUND

Trauth pleaded guilty to murdering his wife, whom he had shot twice in the head after initially shooting her while she slept and later attempting to suffocate her. Before entering the plea, his attorneys discussed a possible voluntary manslaughter or crime-of-passion defense, consulted a psychiatrist, reviewed the psychiatric evaluation, and attempted to negotiate a voluntary manslaughter plea. Trauth nevertheless stated that he did not want to go to trial because he was guilty and did not want to cause further embarrassment to his family.

PROCEDURAL HISTORY

Trauth was indicted in Forsyth County for malice murder, felony murder, and aggravated assault. He pleaded guilty to malice murder on August 2, 2006, and received a life sentence. After the trial court denied his amended

motion to withdraw the guilty plea following a hearing, Trauth filed a timely notice of appeal. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Harden v. Johnson, 280 Ga. 464, 629 S.E.2d 259 (2006)
- Johnson v. State, 282 Ga. 96, 646 S.E.2d 216 (2007)
- Weems v. State, 268 Ga. 142, 485 S.E.2d 767 (1997)
- Rios v. State, 281 Ga. 181, 637 S.E.2d 20 (2006)
- White v. Kelso, 261 Ga. 32, 401 S.E.2d 733 (1991)
- Threlkeld v. State, 250 Ga. App. 44, 550 S.E.2d 454 (2001)
- Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)