

SUPREME COURT OF GEORGIA

Sheppard v. State, 285 Ga. 36

673 S.E.2d 852 (2009) · No. S09A0056 · Decided February 9, 2009

SUMMARY

The Supreme Court of Georgia affirmed Annie Grace Sheppard's conviction for malice murder. The court held that the prosecutor's closing argument did not improperly comment on Sheppard's right to remain silent and that pre-autopsy photographs of the victim were properly admitted.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice
JURISDICTION	Georgia
DECIDED	February 9, 2009
DOCKET	S09A0056
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a conviction for malice murder and a life-imprisonment sentence.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under whether any rational trier of fact could find guilt beyond a reasonable doubt. The admission of photographs was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Annie Grace Sheppard v. The State

TOPICS

- criminal procedure
- fifth amendment
- evidence
- self defense
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate litigation
- evidence

QUESTIONS PRESENTED

- Whether the evidence was sufficient to support Sheppard's malice-murder conviction despite her battered-person-syndrome and self-defense evidence.

2. Whether the prosecutor improperly commented on Sheppard's constitutional right to remain silent during closing argument.
3. Whether the trial court abused its discretion by admitting pre-autopsy photographs showing the victim's injuries, dirt on her body, and medical instruments.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Sheppard guilty beyond a reasonable doubt of malice murder.
2. The prosecutor's closing argument did not improperly comment on Sheppard's constitutional right to remain silent.
3. The trial court did not abuse its discretion by admitting the pre-autopsy photographs of the victim.

KEY QUOTATIONS

"The prosecutor did not comment on defendant's right to remain silent. He simply made note of the fact that defendant offered different reasons for killing the victim at the time of her arrest and at trial." (673 S.E.2d 853)

FACTUAL BACKGROUND

Sheppard shot Arlisha Lafronda Smith after encountering her outside an apartment, and several witnesses observed the shooting. Sheppard made statements at the scene and to police admitting that she shot the victim because the victim had cheated on her. At trial, Sheppard claimed not to remember the shooting and presented a battered-person-syndrome defense supporting her assertion that she acted in self-defense.

PROCEDURAL HISTORY

Sheppard was indicted for malice murder and felony murder after the 1999 shooting death of Arlisha Lafronda Smith. A jury convicted her of malice murder in November 2001, and the trial court imposed a life sentence; the felony-murder count was vacated by operation of law. The trial court denied her amended motion for new trial in February 2008, and Sheppard appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Austin v. State, 275 Ga. 346(1), 566 S.E.2d 673 (2002)
- Rogers v. State, 256 Ga. 139, 146(10), 344 S.E.2d 644 (1986)
- Watkins v. State, 160 Ga. App. 9, 11(5), 285 S.E.2d 758 (1981)
- Tarvin v. State, 277 Ga. 509, 512(7), 591 S.E.2d 777 (2004)

- Roberts v. State, 282 Ga. 548, 552(9), 651 S.E.2d 689 (2007)

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