

SUPREME COURT OF GEORGIA

Marlon Christopher Jones v. The State

Jones · No. S26A0077 · Decided June 2, 2026

SUMMARY

The Supreme Court of Georgia affirmed Marlon Christopher Jones’s convictions for malice murder and related offenses. The court held that Jones’s statement, “Not right now,” did not unequivocally invoke his right to remain silent and that his subsequent statements reflected an implied waiver of his Miranda rights. The court also held that Jones failed to show reversible harm from the denial of his motion to strike a prospective juror for cause.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Bethel, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	June 2, 2026
DOCKET	S26A0077
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jones appealed his convictions for malice murder, felony murder, and possession of a firearm during the commission of a felony, challenging the denial of his motion to suppress custodial statements and the denial of his motion to strike a prospective juror for cause.
STANDARD OF REVIEW	For a motion to suppress, factual findings and credibility determinations are reviewed for clear error and the law is applied de novo. The court reviewed the juror-for-cause claim for reversible harm, requiring a showing that an unqualified juror was ultimately seated.
PRECEDENTIAL VALUE	published
PARTIES	Marlon Christopher Jones v. The State

TOPICS

- suppression of evidence
- miranda rights
- criminal procedure
- jury selection
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Jones's response of "Not right now" constituted an unequivocal invocation of his right to remain silent requiring police to cease questioning.
2. Whether the State proved that Jones knowingly, intelligently, and voluntarily waived his Miranda rights despite the absence of an express oral or written waiver.
3. Whether the trial court's denial of Jones's motion to strike a prospective juror for cause required reversal when Jones used a peremptory strike to remove the juror but did not show that an unqualified juror was seated.

HOLDINGS

1. The response "Not right now," viewed in context, was ambiguous and temporally qualified rather than a clear and unequivocal assertion of the right to remain silent; therefore, police had no duty to stop questioning or clarify Jones's intent.
2. An express oral or written waiver is not required. Where the State shows that Miranda warnings were given and understood, a defendant's subsequent uncoerced statements and conduct may establish an implied waiver.
3. Even assuming the trial court erred in refusing to strike the prospective juror, Jones did not show reversible harm because he did not establish that an unqualified juror was seated as the ultimate result of the alleged error.

KEY QUOTATIONS

"Because Jones's response was not so clear as to lead a reasonable police officer to understand that he was unequivocally and unambiguously asserting his right to remain silent, the officers were under no duty to cease questioning him." (6)

"Instead, the waiver may be implicit, as determined by looking to "all the circumstances," including "the defendant's silence, coupled with an understanding of his rights and a course of conduct indicating waiver." (7)

"Jones has not shown, or even alleged, that an unqualified juror was seated, and thus he has failed to show reversible error." (9)

FACTUAL BACKGROUND

Jones confronted Donnell Hicks in a pharmacy parking lot over Jones's suspicion that Hicks was having an affair with Jones's wife and shot Hicks repeatedly, killing him. A bystander saw a man in a purple shirt shoot Hicks, and Jones, still wearing a purple shirt and possessing the gun, called 911 and stated that he had killed a man because Hicks was having sex with his wife. After his arrest, Jones was advised of his Miranda rights, said he

understood them, initially responded "Not right now" when asked whether he would waive them, and later made statements in response to further questioning.

PROCEDURAL HISTORY

A Fayette County grand jury indicted Jones on May 10, 2022. After a jury trial from October 30 through November 3, 2023, he was convicted on all counts and sentenced to life without parole for malice murder and five consecutive years for firearm possession; the felony-murder count was vacated by operation of law. The trial court denied Jones's amended motion for new trial on April 3, 2025, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Jackson v. Denno*, 378 U.S. 368 (1964)
- *State v. Lee*, __ Ga. __ (2026), S25A1087, slip op. at 6 (Ga. Mar. 3, 2026)
- *Jenkins v. State*, 317 Ga. 585, 594 (2023)
- *State v. Lopez-Cardona*, 319 Ga. 222, 226-227 (2024)
- *Sinkfield v. State*, 318 Ga. 531, 540 (2024)
- *Dickey v. State*, __ Ga. __ (2026), S26A0046, slip op. at *2 (Ga. May 5, 2026)
- *Locklear v. State*, 317 Ga. 115, 120 (2023)
- *Perez v. State*, 283 Ga. 196, 198, 200 (2008)
- *Young v. State*, 309 Ga. 529, 536 (2020)
- *Cheley v. State*, 299 Ga. 88, 91 (2016)
- *Weaver v. State*, 288 Ga. 540, 544 (2011)
- *Barnes v. State*, 287 Ga. 423, 425 (2010)
- *Berghuis v. Thompson*, 560 U.S. 370, 384-385 (2010)
- *Huffman v. State*, 311 Ga. 891, 895 (2021)
- *Carson v. State*, 308 Ga. 761, 772 (2020)
- *Willis v. State*, 304 Ga. 686, 707 (2018)
- *Williams v. State*, 323 Ga. 362, 369 n.7 (2026)