

SUPREME COURT OF GEORGIA

Martin v. McLaughlin

298 Ga. 44 (2015) · No. S15A0883 · Decided November 2, 2015

SUMMARY

The Supreme Court of Georgia affirmed the denial of Eddie Davis Martin, Jr.'s petition for a writ of habeas corpus. Martin argued that appellate counsel was ineffective for failing to challenge the sufficiency of the State's proof of venue in Dawson County. The court held that Martin had not presented the complete trial record and that the evidence before the habeas court was sufficient to support a rational finding that venue was proper.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Blackwell, Justice
JURISDICTION	Georgia
DECIDED	November 2, 2015
DOCKET	S15A0883
DISPOSITION	affirmed
PROCEDURAL POSTURE	Martin appealed the denial of his state habeas corpus petition, which alleged ineffective assistance of appellate counsel for failing to challenge the sufficiency of the State's proof of venue on direct appeal.
STANDARD OF REVIEW	For ineffective assistance of appellate counsel, the petitioner must establish deficient performance and prejudice. The underlying venue claim was assessed under whether, viewing the evidence in the light most favorable to the verdict, a rational trier of fact could find beyond a reasonable doubt that venue was properly laid.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Eddie Davis Martin, Jr. v. McLaughlin

TOPICS

- state post-conviction relief
- ineffective assistance
- appellate procedure
- criminal procedure
- burden of proof

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Martin was denied the effective assistance of appellate counsel when counsel failed to challenge the sufficiency of the evidence proving venue in Dawson County.
2. Whether the trial evidence was sufficient to authorize a rational jury to find beyond a reasonable doubt that venue was properly laid in Dawson County.
3. Whether Martin met his habeas burden when he failed to present the complete trial record, including a video exhibit that might have contained evidence of venue.

HOLDINGS

1. Martin failed to establish ineffective assistance of appellate counsel because he did not show either that counsel performed deficiently by omitting the venue claim or that the appeal would probably have had a different outcome had the claim been raised.
2. When reviewing the sufficiency of evidence of venue, an appellate court must view the evidence in the light most favorable to the verdict and determine whether the evidence would authorize a rational trier of fact to find beyond a reasonable doubt that venue was properly laid.
3. The evidence available to the jury was sufficient to authorize a finding beyond a reasonable doubt that Martin committed the crimes in Dawson County.

KEY QUOTATIONS

“To prevail on a claim of ineffective assistance of appellate counsel, a habeas petitioner must show that his appellate counsel was deficient in failing to raise an issue on appeal and that, if counsel had raised that issue, there is a reasonable probability that the outcome of the appeal would have been different.” (298 Ga. at 45)

“When reviewing the sufficiency of the evidence as to venue, an appellate court must view the evidence in the light most favorable to the verdict and inquire whether the evidence would authorize a rational trier of fact to find beyond a reasonable doubt that venue was properly laid.” (298 Ga. at 47)

FACTUAL BACKGROUND

Martin was tried and convicted in Dawson County of aggravated sexual battery, aggravated child molestation, and child molestation. He claimed the State had not sufficiently proved that the offenses occurred in Dawson County and that appellate counsel was ineffective for failing to raise the venue issue on direct appeal. The trial record contained testimony from a Dawson County investigator, evidence concerning the location of the victim's home near the Pickens-Dawson county line, and the victim's statement that her home was in Dawsonville.

PROCEDURAL HISTORY

Martin was convicted in Dawson County of aggravated sexual battery, aggravated child molestation, and child molestation in 2006. The Georgia Court of Appeals affirmed the convictions on direct appeal. The habeas court denied Martin's petition, and the Supreme Court of Georgia affirmed that denial.

DISPOSITION

affirmed

CASES CITED

- Thompson v. Brown, 288 Ga. 855, 855 (708 SE2d 270) (2011)
- Martin v. State, 294 Ga. App. 117 (668 SE2d 549) (2008)
- Crawford v. State, ___ Ga. ___ (3) (Case No. S15A0895, decided Sep. 14, 2015)
- Pruitt v. State, 279 Ga. 140, 143 (4) (611 SE2d 47) (2005)
- Walton v. State, 293 Ga. 239, 242 (2) (744 SE2d 436) (2013)
- Jones v. State, 272 Ga. 900, 902-903 (2) (537 SE2d 80) (2000)
- Jackson v. Virginia, 443 U.S. 307, 319 (III)(B) (1979)
- Lejeune v. McLaughlin, 296 Ga. 291, 294-295 (2) (766 SE2d 803) (2014)
- Humphrey v. Walker, 294 Ga. 855, 859-860 (I)(A) (757 SE2d 68) (2014)
- Chapman v. State, 275 Ga. 314, 317-318 (4) (565 SE2d 442) (2002)
- In the Interest of B. R., 289 Ga. App. 6, 8-9 (2) (656 SE2d 172) (2007)
- Browner v. State, 296 Ga. 136, 140-141 (1) (765 SE2d 348) (2014)
- Miller v. State, 295 Ga. 769, 771 (1) (764 SE2d 135) (2014)
- Alderman v. State, 241 Ga. 496, 509 (5) (246 SE2d 642) (1978)
- Johns v. State, 239 Ga. 681, 682 (1) (238 SE2d 372) (1977)
- Wilkes v. State, 238 Ga. 57, 58 (1) (230 SE2d 867) (1976)

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