

SUPREME COURT OF GEORGIA

Jackson v. State, 282 Ga. 668

653 S.E.2d 28 (2007) · No. S07A1283 · Decided November 5, 2007

SUMMARY

The Supreme Court of Georgia affirmed Jerry Jermaine Jackson’s convictions for malice murder, aggravated assault, and possession of a firearm during the commission of a crime. The court held that the evidence, including witness testimony and Jackson’s statements, was sufficient for a rational trier of fact to find him guilty beyond a reasonable doubt. The court also rejected Jackson’s argument that the killings could only support felony-murder convictions rather than malice-murder convictions.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice
JURISDICTION	Georgia
DECIDED	November 5, 2007
DOCKET	S07A1283
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jackson appealed his convictions for malice murder, aggravated assault, and possession of a firearm during the commission of a crime, challenging the sufficiency of the evidence and the denial of his motion for a new trial.
STANDARD OF REVIEW	The evidence is construed in favor of the verdicts, and the question is whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Jerry Jermaine Jackson v. State

TOPICS

- criminal procedure
- evidence
- burden of proof
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Appellate criminal procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Jackson's convictions for malice murder, aggravated assault, and possession of a firearm during the commission of a crime.
2. Whether the evidence required the killings to be classified as felony murders rather than malice murders.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Jackson guilty beyond a reasonable doubt of malice murder, aggravated assault, and possession of a firearm during the commission of a crime.
2. The evidence supported convictions for malice murder because malice may be express or implied, and the evidence showed that Jackson acted with implied malice.

KEY QUOTATIONS

“In other words, evidence that the defendant acted with implied malice is, for purposes of demonstrating his guilt of the crime of malice murder, no less probative than proof that he acted with a specific intent to kill.”
(30-31)

FACTUAL BACKGROUND

Jackson and Johnson went with Williams to a Park Street residence intending to rob a group of men. Jackson and Johnson approached the residence carrying firearms, and Jackson began shooting, killing Jamie Sanchez and Guillermo Tamayo and wounding four others. Afterward, Jackson fled to Alabama, was found hiding in a closet, made statements concerning his involvement, and later admitted that much of his written account was false.

PROCEDURAL HISTORY

A Cobb County grand jury indicted Jackson on multiple murder, aggravated-assault, and firearm-possession counts. Following a jury trial, he was convicted of two counts of malice murder, four counts of aggravated assault, and possession of a firearm during the commission of a crime; the trial court vacated the felony-murder counts by operation of law and merged other counts for sentencing. The trial court denied his motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Banta v. State, 282 Ga. 392, 651 S.E.2d 21 (2007)
- Sheffield v. State, 281 Ga. 33, 35(2), 635 S.E.2d 776 (2006)
- Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)