

SUPREME COURT OF GEORGIA

Mayo v. State, 277 Ga. 645

594 S.E.2d 333 (2004) · No. S03A1467 · Decided March 8, 2004

SUMMARY

The Supreme Court of Georgia held that the evidence was sufficient to support Terrance Lamar Mayo's convictions for malice murder, aggravated assault, and possession of a firearm during the commission of a crime. Because malice murder is a capital felony that must be prosecuted by indictment, the court held that proceeding under an accusation deprived the trial court of subject-matter jurisdiction and reversed the malice-murder conviction while affirming the remaining convictions.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Fletcher, Chief Justice; Carley, Justice; All Justices
JURISDICTION	Georgia
DECIDED	March 8, 2004
DOCKET	S03A1467
DISPOSITION	other
PROCEDURAL POSTURE	Mayo appealed his convictions for malice murder, two counts of aggravated assault, and possession of a firearm during the commission of a crime, arguing that the trial evidence was insufficient. The Supreme Court of Georgia also considered, on its own motion, whether the trial court had subject-matter jurisdiction over the murder prosecution because the charge proceeded under an accusation rather than an indictment.
STANDARD OF REVIEW	For sufficiency of the evidence, the evidence was viewed in the light most favorable to the jury's determination of guilt, and the question was whether a rational trier of fact could have found guilt beyond a reasonable doubt. Subject-matter jurisdiction was reviewed independently and could be addressed sua sponte from the appellate record.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Terrance Lamar Mayo v. State

TOPICS

criminal procedure

grand jury

appellate jurisdiction

standard of review

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

indictment and accusation procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Mayo's convictions.
2. Whether the trial court had subject-matter jurisdiction to adjudicate the malice-murder charge when the prosecution proceeded under an accusation rather than an indictment.
3. Whether Mayo's consent to proceeding under an accusation could confer subject-matter jurisdiction over a capital felony charge.

HOLDINGS

1. The evidence was constitutionally sufficient to support Mayo's convictions because a rational trier of fact could have found beyond a reasonable doubt that he committed the charged offenses.
2. A capital felony prosecution must proceed under an indictment, and a trial court lacks subject-matter jurisdiction to adjudicate a capital felony charged only by accusation.
3. The aggravated-assault and firearm-possession convictions were valid because those offenses were not capital felonies and could properly proceed under an accusation with Mayo's consent.

KEY QUOTATIONS

"Without an indictment, the trial court has no subject matter jurisdiction to dispose of such a case, and any judgment it renders is void." (646)

"It makes no difference that Mayo stipulated to proceeding under an accusation—" [p]arties cannot, by their consent, confer subject matter jurisdiction on a court that does not otherwise have it." (646)

"Accordingly, Mayo's conviction for malice murder is hereby reversed. However, his convictions for aggravated assault and possession of a firearm during the commission of a crime are affirmed." (647)

FACTUAL BACKGROUND

On December 1, 2001, Damien Davenport was involved in a minor automobile accident with Juan and Samuel Peralta and agreed to accept \$500 for the damage. Mayo then drove to the scene and shot the Peraltas, killing Samuel and paralyzing Juan. Witnesses testified that Mayo fired the weapon and approached the victims with a gun, that Davenport was unarmed, and that the medical evidence was inconsistent with Davenport having been the shooter.

PROCEDURAL HISTORY

A Polk County grand jury indicted Mayo for malice murder, felony murder, two counts of aggravated assault, and possession of a firearm during the commission of a crime. After an error in the indictment, Mayo waived re-presentment and agreed to proceed under an accusation; a jury convicted him of malice murder, aggravated assault, and possession, and the trial court imposed sentence. The trial court denied his amended motion for new trial, and Mayo appealed. The Supreme Court affirmed the aggravated-assault and firearm convictions but reversed the malice-murder conviction as void for lack of subject-matter jurisdiction.

DISPOSITION

other

REMAND INSTRUCTIONS

The malice-murder conviction was reversed as void. The aggravated-assault and firearm-possession convictions were affirmed. The opinion indicates that the State may elect to obtain an indictment and retry Mayo for malice murder.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Weatherbed v. State, 271 Ga. 736, 737-739, 524 S.E.2d 452 (1999)
- Gray v. Gray, 229 Ga. 460, 461, 192 S.E.2d 334 (1972)
- State v. Perkins, 276 Ga. 621, 623, 580 S.E.2d 523 (2003)
- Jackett v. State, 209 Ga. App. 112, 432 S.E.2d 586 (1993)
- Parker v. State, 170 Ga. App. 333, 333-334, 317 S.E.2d 209 (1984)
- Weatherbed v. State, 271 Ga. 736, 739, 524 S.E.2d 452 (1999)