

SUPREME COURT OF GEORGIA

Dennis v. State

No. S26A0470 (Ga. May 19, 2026) · No. S26A0470 · Decided May 19, 2026

SUMMARY

The Supreme Court of Georgia affirmed Xavier Dennis’s convictions for felony murder, attempted armed robbery, and related offenses arising from a shooting during an attempted robbery. The court held that felony murder and attempted armed robbery did not merge because they involve different categories of injury—loss of life and loss of property. The court also rejected Dennis’s unpreserved Confrontation Clause claim under plain-error review, concluding that he failed to show that testimony regarding his relationship with his co-defendant likely affected the trial’s outcome.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Pinson, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	May 19, 2026
DOCKET	S26A0470
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dennis appealed his convictions and sentences for felony murder predicated on conspiracy to commit armed robbery, attempted armed robbery, and possession of a firearm during the commission of a felony after the Superior Court of Chatham County denied his amended motion for a new trial.
STANDARD OF REVIEW	Merger questions are reviewed de novo. An unpreserved Confrontation Clause claim is reviewed for plain error, requiring a clear or obvious error, no affirmative waiver, an effect on substantial rights meaning a likely effect on the outcome, and, if those requirements are met, an exercise of discretion to correct an error that seriously affected the fairness, integrity, or public reputation of judicial proceedings.
PRECEDENTIAL VALUE	published
PARTIES	Xavier Dennis v. The State

TOPICS

criminal procedure

appellate procedure

sixth amendment

harmless error

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether Dennis's conviction for attempted armed robbery merged with his conviction for felony murder predicated on conspiracy to commit armed robbery under OCGA § 16-1-6(2).
2. Whether admission of testimony concerning statements by family members and girlfriends that Dennis and Blige were brothers violated Dennis's rights under the Confrontation Clause and constituted plain error.

HOLDINGS

1. The convictions do not merge under OCGA § 16-1-6(2) because felony murder and armed robbery involve injuries in different categories: loss of life for felony murder and loss of property for armed robbery.
2. Dennis failed to establish plain error from the challenged testimony because he did not identify a specific testimonial statement or show that any alleged error likely affected the outcome of the trial.

KEY QUOTATIONS

“Although the defendant may be prosecuted for each crime, a defendant may not be convicted of more than one offense if “one crime is included in the other.”” (4)

“The injuries underlying the crimes of conviction here — felony murder predicated on conspiracy to commit armed robbery and attempted armed robbery — are different in kind.” (5)

“In light of the evidence at trial, which in combination painted a clear picture of Dennis and Blige working in concert to rob the victims, Dennis has not demonstrated that admitting any statements indicating that Dennis and Blige are brothers likely affected the outcome of his trial.” (8)

FACTUAL BACKGROUND

Wallace drove Dennis and co-defendant Cameron Blige, along with Wallace's girlfriend and a friend, to an apartment complex after Dennis and Blige had contacted Wallace about buying marijuana. Dennis and Blige drew guns and demanded that the occupants give up their property; gunshots were fired, Wallace was fatally wounded, and both defendants fled. A phone recovered at the scene belonged to Dennis, and phone records and text messages showed extensive communications between Dennis and Blige concerning a gun, the planned robbery, and their whereabouts after the shooting. At trial, a detective testified that he learned Dennis and Blige were brothers from family members, girlfriends, social media, and phone records.

PROCEDURAL HISTORY

A jury convicted Dennis in December 2022 of felony murder, attempted armed robbery, conspiracy to commit armed robbery, and one count of possession of a firearm during the commission of a felony. The trial court imposed a life sentence with the possibility of parole for felony murder, a consecutive five-year sentence for firearm possession, and a concurrent ten-year sentence for attempted armed robbery; the conspiracy count merged and was vacated by operation of law. The trial court denied Dennis's amended motion for a new trial in August 2025, and Dennis timely appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- Regent v. State, 299 Ga. 172, 174 (2016)
- Drinkard v. Walker, 281 Ga. 211, 215 (2006)
- Jackson v. Crickmar, 311 Ga. 870, 874-75 (2021)
- Soilberry v. State, 289 Ga. 770, 772-73 (2011)
- Epperson v. State, 349 Ga. App. 25, 35 (2016)
- Jiles v. State, 320 Ga. 605, 615 (2024)
- Prater v. State, 273 Ga. 477, 478 (2001)
- Ledford v. State, 289 Ga. 70, 74 (2011)
- Willis v. State, 304 Ga. 686, 658 n.3 (2018)
- Metcalf v. State, 349 Ga. App. 408, 423 (2019)
- Pender v. State, 311 Ga. 98, 114-16 (2021)
- State v. Kelly, 290 Ga. 29, 33 (2011)
- Arnsdorff v. State, 321 Ga. 880, 887 (2025)
- Smith v. Arizona, 602 U.S. 779, 784 (2024)
- Davis v. Washington, 547 U.S. 813, 822 (2006)
- Smith v. State, 323 Ga. 246, 251 (2026)
- Pierce v. State, 319 Ga. 846, 854-55 (2024)
- Henderson v. State, 317 Ga. 66, 79-80 (2023)
- Morris v. State, 311 Ga. 247, 256 (2021)
- Lupoe v. State, 300 Ga. 233, 250 (2016)