

SUPREME COURT OF GEORGIA

Harris v. State

No. S21A1242, Supreme Court of Georgia (February 15, 2022)

SUMMARY

Harris v. State, 2022 Ga. LEXIS 78. Affirmed. The Supreme Court of Georgia held that circumstantial evidence was sufficient to support convictions for felony murder and other crimes under the party-to-a-crime statute (OCGA § 16-2-20) and Georgia's reasonable-hypothesis rule (OCGA § 24-14-6), where evidence of gang retaliation, access to a white SUV, and ballistics linking the shootings allowed the jury to infer guilt. The trial court did not abuse its discretion in admitting evidence of a handgun and ammunition found at Harris's arrest as relevant to flight and consciousness of guilt under Rule 401, and its probative value was not substantially outweighed by unfair prejudice under Rule 403. Similarly, admission of Facebook posts showing Harris's possession of a .40-caliber Springfield pistol one week before the shootings was relevant and not unduly prejudicial. Harris's ineffective assistance claim failed because trial counsel's decision not to call a witness with inconsistent and questionable credibility was not objectively unreasonable under Strickland.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Warren
JURISDICTION	Georgia
DECIDED	February 15, 2022
DOCKET	S21A1242
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from conviction after jury trial
STANDARD OF REVIEW	For sufficiency of evidence, the standard is whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt, viewing the evidence in the light most favorable to the verdict. For evidentiary rulings, the standard is abuse of discretion. For ineffective assistance of counsel, the standard is whether counsel's performance was deficient and prejudicial under Strickland v. Washington.
PRECEDENTIAL VALUE	Published

TOPICS

criminal procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Harris's convictions for felony murder and other crimes.
2. Whether the trial court erred by admitting evidence of weapons and ammunition found at the time of Harris's arrest.
3. Whether the trial court erred by admitting evidence of Harris's Facebook posts claiming possession of a firearm.
4. Whether Harris received constitutionally ineffective assistance of counsel because his trial counsel failed to call Dashauna Wilborn as a witness.

HOLDINGS

1. The evidence, although circumstantial, was sufficient to convict Harris under Jackson v. Virginia and OCGA § 24-14-6 because the jury could infer guilt from motive, threats, access to a white SUV, ballistics evidence, and flight.
2. The trial court did not abuse its discretion because the evidence was relevant to show flight or consciousness of guilt under Rule 401, and its probative value was not substantially outweighed by unfair prejudice under Rule 403.
3. The trial court did not abuse its discretion because the Facebook posts were relevant to show that Harris possessed a gun that could have been used in the shootings, and the evidence was not unfairly prejudicial.
4. The claim fails because Harris did not show deficient performance; trial counsel's decision not to call Wilborn was not objectively unreasonable given the trial court's finding that Wilborn lacked credibility.

KEY QUOTATIONS

“to warrant a conviction on circumstantial evidence, the proved facts shall not only be consistent with the hypothesis of guilt, but shall exclude every other reasonable hypothesis save that of the guilt of the accused.”
(at 8-9)

“To prevail on a claim of ineffective assistance of counsel, a defendant generally must show that counsel's performance was deficient and that the deficient performance resulted in prejudice to the defendant.” (at 20)

FACTUAL BACKGROUND

On November 21, 2015, Harris, a member of the Bounty Hunter Bloods gang, was attacked by rival gang members at a package store. Two days later, on November 23, a drive-by shooting from a white Explorer injured Laundon Alexander and Patrick Boyd. The next day, November 24, another drive-by shooting from a white SUV killed Marcus Bowden. Harris had borrowed a white Ford Explorer from his girlfriend on the morning of the November 24 shooting. Ballistics evidence showed that .40-caliber shell casings from both shootings matched and were fired from the same type of firearm that Harris claimed to possess. Harris also made threatening Facebook messages after the attack.

PROCEDURAL HISTORY

Harris was convicted of felony murder and other crimes after a jury trial. He filed a timely motion for new trial, which was denied. He appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- Jones v. State, 304 Ga. 594, 598 (820 SE2d 696) (2018)
- Jackson v. Virginia, 443 U.S. 307, 319 (99 SCt 2781, 61 LE2d 560) (1979)
- Smith v. State, 308 Ga. 81, 84 (839 SE2d 630) (2020)
- Ivey v. State, 305 Ga. 156, 159 (824 SE2d 242) (2019)
- Frazier v. State, 308 Ga. 450, 453 (841 SE2d 692) (2020)
- Flannigan v. State, 305 Ga. 57, 62 (823 SE2d 743) (2019)
- Gates v. State, 298 Ga. 324, 327 (781 SE2d 772) (2016)
- United States v. Borders, 693 F2d 1318, 1324 (11th Cir. 1982)
- Rowland v. State, 306 Ga. 59, 65 n.4 (829 SE2d 81) (2019)
- Carston v. State, 310 Ga. 797, 803 (854 SE2d 684) (2021)
- Anglin v. State, 302 Ga. 333, 337 (806 SE2d 573) (2017)
- Johnson v. State, 312 Ga. 481, 493 (863 SE2d 137) (2021)
- Strickland v. Washington, 466 U.S. 668, 687-695 (104 SCt 2052, 80 LE2d 674) (1984)
- Wesley v. State, 286 Ga. 355, 356 (689 SE2d 280) (2010)
- Romer v. State, 293 Ga. 339, 344 (745 SE2d 637) (2013)
- Lawrence v. State, 286 Ga. 533, 533-534 (690 SE2d 801) (2010)
- Debelbot v. State, 305 Ga. 534, 540 (826 SE2d 129) (2019)
- Grimes v. State, 296 Ga. 337, 346 (766 SE2d 72) (2014)
- Huff v. State, 299 Ga. 801, 806 (792 SE2d 368) (2016)
- Washington v. State, 294 Ga. 560, 566 (755 SE2d 160) (2014)
- Cartwright v. Caldwell, 305 Ga. 371 (825 SE2d 168) (2019)

CITED IN

- Harris v. State, Harris v. State, 314 Ga. 238, 263 (875 SE2d 659) (2022)
- Harris v. State, Harris v. State, 194 Md. 288, 71 A.2d 36
- Harris v. State, Harris v. State, 313 Ga. 225, 229 (2) (869 SE2d 461) (2022)
- Harris v. State, Harris v. State, 668 S.W.3d 83, 91 (Tex. App.—Houston [1st Dist.] 2022, pet. ref'd)
- Harris v. State, Harris v. State, 314 Ga. 238, 263 (3) (a) (875 SE2d 659) (2022)
- Harris v. State, Harris v. State, 313 Ga. 225 (869 SE2d 461) (2022)
- Harris v. State, Harris v. State, 313 Ga. 872, 883 (5) (874 SE2d 73) (2022)
- Harris v. State, Harris v. State, 314 Ga. 51, 53-54 (2) (875 SE2d 649) (2022)
- Harris v. State, Harris v. State, 314 Ga. 370, 374 (2022)
- Harris v. State, Harris v. State, 314 Ga. 238, 291 n.83 (2022)
- Harris v. State, Harris v. State, 251 Md. App. 612 (2021), aff'd, 479 Md. 84 (2022)
- Harris v. State, Harris v. State, 284 Ark. 247, 681 S.W.2d 334
- Harris v. State, Harris v. State, 314 Ga. 238, 264-70 (2022)
- Harris v. State, Harris v. State, 668 S.W.3d 83, 90 (Tex. App.—Houston [1st Dist.] 2022, pet. ref'd)
- Harris v. State, Harris v. State, 314 Ga. 238, 266 (2022)
- Harris v. State, Harris v. State, 365 Ga. App. 218, 219 (1) (878 S.E.2d 63) (2022)