

SUPREME COURT OF GEORGIA

Jones v. State, 280 Ga. 205

625 S.E.2d 1 (2005) · No. S06A0036 · Decided December 1, 2005

SUMMARY

The Supreme Court of Georgia affirmed Derrick Jones’s convictions and life sentence for malice murder. The court held that the evidence was sufficient, that counsel was not ineffective regarding testimony about narcotics or the use of Jones’s prior robbery conviction, and that the indictment underlying the prior conviction was admissible. All justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Carley, Justice
JURISDICTION	Georgia
DECIDED	December 1, 2005
DOCKET	S06A0036
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury convicted Jones of malice murder and related offenses, the trial court entered judgment and sentenced him to life imprisonment. The trial court denied his motion for new trial, and Jones appealed.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether a rational trier of fact could find guilt beyond a reasonable doubt, construing the evidence most strongly in support of the verdict. Ineffective-assistance factual findings are upheld unless clearly erroneous, while legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Derrick Jones v. The State

TOPICS

- ineffective assistance
- evidence
- criminal procedure
- appellate procedure
- reasonable doubt

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice
- evidence
- ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Jones's malice-murder conviction.
2. Whether trial counsel was ineffective for failing to object or move for a mistrial after a witness referred to narcotics as the subject of the dispute.
3. Whether trial counsel was ineffective for failing to request a limiting instruction or stipulation concerning Jones's prior robbery conviction used to establish his status as a convicted felon.
4. Whether trial counsel was ineffective for failing to request redaction or alteration of the indictment evidencing Jones's prior conviction.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Jones guilty of malice murder beyond a reasonable doubt.
2. Counsel was not ineffective for failing to object or move for a mistrial because the challenged reference was relevant to motive, and any objection would have been fruitless.
3. Counsel was not ineffective for failing to request a limiting instruction or stipulation concerning Jones's prior robbery conviction.
4. Counsel was not ineffective for failing to request alteration or redaction of the indictment used to prove Jones's prior-convicted-felon status.

KEY QUOTATIONS

“However, resolving evidentiary conflicts and inconsistencies, and assessing witness credibility, are the province of the factfinder, not this Court.” (625 S.E.2d at 2)

“The omission was therefore trial strategy and not evidence of ineffectiveness.” (625 S.E.2d at 3)

FACTUAL BACKGROUND

The evidence showed that the victim owed Jones money and that the two fought over the debt. After someone handed Jones a handgun, Jones chased the fleeing victim in a white automobile, located him, shot him in the head, and fled. At trial, the defense challenged the credibility and consistency of eyewitness testimony and later asserted ineffective assistance based on counsel's handling of evidence concerning drug-related motive and Jones's prior robbery conviction.

PROCEDURAL HISTORY

Jones was indicted for murder and related offenses, tried before a jury, and convicted on August 15, 2003. The felony-murder counts were vacated by operation of law, and the aggravated-assault and firearm-possession counts were merged into the malice-murder conviction. After the motion for new trial was denied, Jones appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- *Malcolm v. State*, 263 Ga. 369, 434 S.E.2d 479 (1993)
- *Givens v. State*, 273 Ga. 818, 546 S.E.2d 509 (2001)
- *Jackson v. Virginia*, 443 U.S. 307 (1979)
- *Wright v. State*, 276 Ga. 419, 577 S.E.2d 782 (2003)
- *Baldwin v. State*, 263 Ga. 524, 435 S.E.2d 926 (1993)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Hudson v. State*, 277 Ga. 581, 591 S.E.2d 807 (2004)
- *Holcomb v. State*, 268 Ga. 100, 485 S.E.2d 192 (1997)
- *Johnson v. State*, 260 Ga. 457, 396 S.E.2d 888 (1990)
- *Collins v. State*, 273 Ga. 30, 538 S.E.2d 34 (2000)
- *Quillian v. State*, 279 Ga. 698, 620 S.E.2d 376 (2005)
- *Head v. State*, 253 Ga. 429, 322 S.E.2d 228 (1984)
- *Ross v. State*, 279 Ga. 365, 614 S.E.2d 31 (2005)
- *Laye v. State*, 261 Ga. App. 327, 582 S.E.2d 505 (2003)
- *Burgess v. State*, 278 Ga. 314, 602 S.E.2d 566 (2004)
- *Rickman v. State*, 277 Ga. 277, 587 S.E.2d 596 (2003)
- *Washington v. State*, 271 Ga. App. 764, 610 S.E.2d 692 (2005)
- *Smith v. State*, 192 Ga. App. 246, 384 S.E.2d 451 (1989)
- *Biggers v. State*, 162 Ga. App. 163, 290 S.E.2d 159 (1982)