

COURT OF APPEALS OF GEORGIA

Cox v. The State

A25A2000 (Ga. Ct. App. Mar. 4, 2026) · No. A25A2000 · Decided March 4, 2026

SUMMARY

The Georgia Court of Appeals affirmed Brandon Cox’s convictions for disorderly conduct and felony and misdemeanor obstruction of an officer, as well as the denial of his motion for new trial. The court held that the jury instructions adequately addressed the requirement that officers be acting lawfully, and that any error in admitting a co-defendant’s conviction was harmless. The court also rejected Cox’s ineffective-assistance claim, concluding that counsel’s decisions not to object to the State’s opening and closing arguments were reasonable trial strategy.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Davis, Judge; Rickman, Presiding Judge; Gobeil, Judge
JURISDICTION	Court of Appeals of Georgia
DECIDED	March 4, 2026
DOCKET	A25A2000
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cox appealed from his convictions and the denial of his motion for new trial.
STANDARD OF REVIEW	The court reviewed the challenged jury-instruction decision de novo because Cox timely objected. Evidentiary rulings were reviewed for abuse of discretion, with nonconstitutional error subject to harmless-error review. The unpreserved Confrontation Clause claim was reviewed for plain error. Ineffective-assistance claims were evaluated under the deficient-performance and prejudice requirements, with substantial deference to reasonable trial strategy.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Brandon Cox v. The State

TOPICS

- criminal procedure
- evidence
- ineffective assistance
- sixth amendment
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by refusing to give a separate jury instruction that Cox had a right to resist an unlawful arrest.
2. Whether admission of Christy Cox's certified obstruction conviction during the State's cross-examination of Cox's wife was reversible evidentiary error or violated Cox's Confrontation Clause rights.
3. Whether trial counsel provided ineffective assistance by failing to object to allegedly improper statements during the State's opening and closing arguments.

HOLDINGS

1. The trial court did not err in refusing Cox's requested instruction because the jury was instructed that obstruction required the officers to be in the lawful discharge of their duties. That instruction necessarily required the jury to determine whether the officers were conducting a lawful arrest, so the requested instruction added no essential point of law.
2. Even assuming that the trial court erred by admitting Christy Cox's certified obstruction conviction during the cross-examination of Cox's wife, the error was harmless because the evidence was cumulative and the State presented strong evidence of Cox's guilt.
3. Cox failed to establish plain error from the admission of Christy's conviction because, even assuming an error, he could not show that it affected his substantial rights or probably affected the outcome.
4. Cox failed to prove ineffective assistance because counsel's decisions not to object were reasonable matters of trial strategy, and the challenged arguments were supported by the evidence or permissible appeals to community safety.

KEY QUOTATIONS

“detaining or arresting a person without authority to do so under the law does not constitute the lawful discharge of the duties of a law enforcement officer, and, therefore, one who resists an unlawful arrest or detention does not commit the offense of obstruction” (5)

“To prevail on a claim of ineffective assistance of counsel, a defendant must show both that his trial attorney’s performance was deficient and that this deficient performance prejudiced his defense.” (11)

FACTUAL BACKGROUND

A Rincon police officer stopped a vehicle driven by Christy Cox after observing erratic driving suggestive of impairment. Brandon Cox emerged from a nearby residence, yelled threats at the officer, acted aggressively, and continued behaving tumultuously after additional officers arrived. When officers handcuffed and restrained Cox, Christy Cox and Cox's wife attempted to pull the officers away, and Cox kicked two officers while being placed in a patrol car. The jury convicted Cox of disorderly conduct and multiple counts of obstruction.

PROCEDURAL HISTORY

A jury convicted Cox of disorderly conduct, three counts of felony obstruction of an officer, and one count of misdemeanor obstruction of an officer. The trial court sentenced him to fifteen years, with ten years to be served in confinement, and denied his motion for new trial after a hearing. The Court of Appeals of Georgia denied the State's motion to dismiss the appeal and affirmed the convictions and denial of the motion for new trial.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Haygood v. State, 338 Ga. App. 189, 193(2) (789 SE2d 404) (2016)
- Payne v. State, 318 Ga. 249, 257(4) (897 SE2d 809) (2024)
- Eubanks v. State, 317 Ga. 563, 580(3)(a) (894 SE2d 27) (2023)
- Long v. State, 261 Ga. App. 478, 479(1) (583 SE2d 158) (2003)
- Glenn v. State, 310 Ga. 11, 14-15, 24-30(1)(c) (849 SE2d 409) (2020)
- Wright v. State, Wright v. State, 365 Ga. App. 288, 292(1)(c) (878 SE2d 137) (2022)
- Sinkfield v. State, 318 Ga. 531, 545(6) (899 SE2d 103) (2024)
- Spires v. State, 357 Ga. App. 440, 447(4) (850 SE2d 854) (2020)
- Burse v. State, 170 Ga. App. 775, 776(2) (318 SE2d 511) (1984)
- Johnson v. State, 307 Ga. App. 791, 793 (706 SE2d 150) (2011)
- Kirby v. United States, 174 U.S. 47 (1899)
- Carter v. State, 315 Ga. 214, 222(3)(b) (881 SE2d 678) (2022)
- Gates v. State, 298 Ga. 324, 327(3) (781 SE2d 772) (2016)
- West v. State, 369 Ga. App. 291, 292-93, 295(b) (893 SE2d 179) (2023)
- McClain v. State, 267 Ga. 378, 385(4)(a) (477 SE2d 814) (1996)
- Smith v. State, 296 Ga. 731, 736-37(2)(c) (770 SE2d 610) (2015)
- Spencer v. State, 287 Ga. 434, 439-40(4) (696 SE2d 617) (2010)
- Hamlette v. State, 353 Ga. App. 640, 645-46(2) (839 SE2d 161) (2020)