

SUPREME COURT OF GEORGIA

Woodard v. State, 277 Ga. 49

586 S.E.2d 330 (2003) · No. No. S03A0767 · Decided September 15, 2003

SUMMARY

The Supreme Court of Georgia affirmed James Woodard's convictions for murder and felony murder arising from the shooting death of Max Rister. The court held that Woodard's custodial statement was voluntarily given and properly admitted despite his age and the absence of a parent or guardian. It also held that a detective's nonresponsive testimony did not improperly place Woodard's character in issue and did not require a mistrial.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice
JURISDICTION	Georgia
DECIDED	September 15, 2003
DOCKET	No. S03A0767
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the denial of his motion for new trial following convictions for murder and felony murder and a life sentence.
STANDARD OF REVIEW	The trial court's factual determinations and credibility findings concerning the admissibility of a custodial statement are upheld unless clearly erroneous. The trial court has broad discretion in ruling on motions for mistrial.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	James Woodard v. The State

TOPICS

- miranda rights
- suppression of evidence
- evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Woodard's murder and felony-murder convictions.
2. Whether Woodard's custodial statement was admissible because it was freely and voluntarily given despite his age, the absence of a parent or guardian, and the circumstances of his detention.
3. Whether the trial court erred by denying a motion for mistrial after a nonresponsive answer by a State witness allegedly placed Woodard's character in evidence.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Woodard guilty beyond a reasonable doubt of the charged crimes.
2. The statement was admissible because Woodard, who had reached age 17, was not treated as a juvenile for purposes of the Riley factors, and the statement was made voluntarily, without hope of benefit or coercion by threats.
3. The trial court did not abuse its discretion by denying the motion for mistrial because a nonresponsive answer that negatively affects a defendant's character does not improperly place the defendant's character in issue.

KEY QUOTATIONS

“Thus, Woodard's statement was admissible if made voluntarily, without being induced by hope of benefit or coerced by threats.” (332)

“Under the totality of the circumstances, the trial court did not err by finding that Woodard freely, knowingly, and voluntarily waived his rights and that his custodial statement was admissible into evidence.” (332)

FACTUAL BACKGROUND

Max Rister was confronted at a Dublin hotel by Carnell Agnew and a masked man later identified as Woodard. During an attempted robbery, Rister was shot twice and later died from complications related to the wounds; Agnew identified Woodard as the shooter. After his arrest, Woodard, who was 17 years and 10 months old, received Miranda warnings, signed a waiver, and gave a statement denying involvement in the shooting but admitting he was present at the hotel.

PROCEDURAL HISTORY

Woodard was indicted in Laurens County on murder and felony-murder charges, convicted on May 1, 1996, and sentenced to life imprisonment. The trial court denied his motion for new trial on December 5, 2002. The appeal was initially docketed in the Georgia Court of Appeals and was transferred to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Riley v. State, 237 Ga. 124, 128, 226 S.E.2d 922 (1976)
- Reynolds v. State, 275 Ga. 548, 569 S.E.2d 847 (2002)
- Atkins v. State, 274 Ga. 103, 105(4), 549 S.E.2d 356 (2001)
- Hansley v. State, 267 Ga. 48, 49(3), 472 S.E.2d 305 (1996)
- Jackson v. Denno, 378 U.S. 368, 84 S. Ct. 1774, 12 L. Ed. 2d 908 (1964)
- Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)

OPINION

Woodard v. State 586 S.E.2d 330

HUNSTEIN, J.

586 S.E.2d 330 (2003)

277 Ga. 49

WOODARD

v. The STATE. No. S03A0767. Supreme Court of Georgia. September 15, 2003.

*331 Charles M. Warnock, Jr., Dublin, for appellant.

Ralph M. Walke, Dist. Atty., Terry F. Holland, Asst. Dist. Atty., Thurbert E. Baker, Atty. Gen., Jason C. Fisher, Asst. Atty. Gen., for appellee. HUNSTEIN, Justice. James Woodard was found guilty of murder and felony murder in the shooting death of Max Rister and was sentenced to life imprisonment.[1] He appeals from the denial of his motion for new trial, contending the trial court erred by admitting into evidence his statement to police officers and denying his motion for mistrial after a State witness improperly placed his character into evidence. Finding no error, we affirm.

1. The evidence adduced at trial authorized the jury to find that Max Rister, while a guest at a hotel in Dublin, encountered Carnell Agnew and a second, masked man, later identified as Woodard, as Rister exited his room. Woodard ordered Rister to hand over his wallet; the victim resisted, tried to run, and was shot twice. The two men then fled the area. The victim survived four months before dying from complications *332 related to his gunshot wounds. Prior to his death, the victim positively identified Agnew as a participant in the crimes and informed police that Agnew was not the shooter because the masked man (Woodard) had the gun. Agnew testified at trial and identified Woodard as the shooter.

We find this evidence sufficient to enable a rational trier of fact to find Woodard guilty beyond a reasonable doubt of the charged crimes. Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979).

2. Woodard contends the trial court erred by admitting his statement to police because it was not freely and voluntarily given, in that Woodard was 17 years 10 months old at the time; no attempt was made to locate his parents; he was not asked if he wanted a parent or guardian present; and he

was kept incommunicado in his cell prior to talking with the police. At the *Jackson v. Denno* hearing,[2] the trial court heard evidence that Woodard was arrested at 2:15 p.m.; he was questioned at 4:15 p.m. for less than an hour; no hope of benefit was offered or threats made; and he was read his *Miranda*[3] rights and signed a waiver. In his statement, Woodard admitted being present at the hotel but otherwise denied any involvement in the crime.[4]

Although Woodard contends that the admissibility of his statement should be analyzed using the nine factors set forth in *Riley v. State*, 237 Ga. 124, 128, 226 S.E.2d 922 (1976), we have recognized that *Riley* does not apply to the admissibility of statements by persons who have reached the age of 17 because such persons are no longer considered juveniles by our criminal justice system. *Reynolds v. State*, 275 Ga. 548(3), 569 S.E.2d 847 (2002). Thus, Woodard's statement was admissible if made voluntarily, without being induced by hope of benefit or coerced by threats. *Id.* "A trial court's factual determinations and credibility relating to the admissibility of a defendant's custodial statement will be upheld on appeal, unless clearly erroneous. [Cit.]" *Atkins v. State*, 274 Ga. 103, 105(4), 549 S.E.2d 356 (2001). Under the totality of the circumstances, the trial court did not err by finding that Woodard freely, knowingly, and voluntarily waived his rights and that his custodial statement was admissible into evidence. See *id.*

3. Woodard also contends that his motion for mistrial should have been granted because testimony by Detective Brantley improperly placed his character into issue. The testimony complained of was made by the witness in a non-responsive answer to a question posed by defense counsel.[5] "A nonresponsive answer that impacts negatively on a defendant's character does not improperly place the defendant's character in issue. Accordingly, the trial court, in the exercise of its broad discretion in ruling on motions for mistrial, did not err in denying [Woodard's] motion. [Cits.]" *Hansley v. State*, 267 Ga. 48, 49(3), 472 S.E.2d 305 (1996).

Judgment affirmed. All the Justices concur.

NOTES

[1] The crime occurred July 7, 1994; the victim died November 7, 1994. Woodard, a/k/a Charlie Coon, was indicted January 10, 1995 in Laurens County on charges of murder and felony murder. He was found guilty on May 1, 1996 and was sentenced by order filed in open court on May 3, 1996. His motion for new trial, filed May 22, 1996, was denied December 5, 2002. A notice of appeal was filed Monday, January 6, 2003. The appeal, originally docketed in the Court of Appeals on January 31, 2003, was transferred to this Court on February 6, 2003 and submitted for decision on the briefs.

[2] *Jackson v. Denno*, 378 U.S. 368, 84 S. Ct. 1774, 12 L. Ed. 2d 908 (1964).

[3] *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

[4] In the statement, Woodard said that he and three other men, including Agnew, were together in a car at the hotel; that Agnew and one of the men exited the vehicle; that Woodard heard shots and saw Agnew and the other man running back to the car; and that the group then left the area.

[5] Defense counsel asked the witness: "Isn't it accurate to say, Detective Brantley, that when

Carnell Agnew hit Laurens County there was a virtual crime spree that he was involved in?" The detective, however, did not answer the question but instead responded, "It would be more accurate to say when I arrested Carnell Agnew and James Woodard and also the other persons that I arrested that I saw several similar cases."

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