

SUPREME COURT OF GEORGIA

Baines v. State, 276 Ga. 117

575 S.E.2d 495 (2003) · No. S03A0124 · Decided January 13, 2003

SUMMARY

The Supreme Court of Georgia affirmed John David Baines's convictions for two malice murders, armed robbery, and weapons offenses, holding that accomplice testimony was sufficiently corroborated by independent evidence. The court rejected Baines's merger challenge to the armed robbery conviction but vacated the aggravated assault convictions because those offenses merged into the malice murder convictions as a matter of fact.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice
JURISDICTION	Georgia
DECIDED	January 13, 2003
DOCKET	S03A0124
DISPOSITION	other
PROCEDURAL POSTURE	Following a bench trial, Baines was convicted of two counts of malice murder, two counts of aggravated assault, armed robbery, possession of a firearm by a convicted felon, and possession of a firearm during the commission of a crime. He appealed, challenging the sufficiency of the evidence and the merger of certain offenses.
STANDARD OF REVIEW	The evidence is viewed in the light most favorable to the verdict, with deference to the factfinder's assessment of the weight and credibility of witnesses; the question is whether a rational trier of fact could have found the defendant guilty beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	John David Baines v. The State

TOPICS

- criminal procedure
- evidence
- appellate procedure
- sentencing

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Appellate practice

QUESTIONS PRESENTED

1. Whether the evidence corroborating accomplice Connie Christine Cotter's testimony was sufficient to support Baines's convictions.
2. Whether credibility challenges to Cotter and other witnesses rendered the evidence insufficient.
3. Whether the armed robbery of Walter Jones merged as a matter of fact into the malice-murder conviction for Jones's death.
4. Whether the aggravated-assault convictions merged into the malice-murder convictions because the same evidence established both offenses.
5. Whether the evidence was sufficient under the rational-trier-of-fact standard to support the murder, armed-robbery, and weapons convictions.

HOLDINGS

1. An accomplice's testimony may support a felony conviction when independent corroborating facts or circumstances directly connect the defendant to the crime or lead to an inference of guilt beyond mere suspicion. The evidence independently corroborating Cotter's testimony was sufficient to connect Baines to the crimes.
2. The trier of fact determines witness credibility and may rely on a witness's testimony even if the witness has been successfully impeached.
3. The armed robbery of Jones did not merge as a matter of fact into his malice-murder conviction because the evidence established two separate and distinct crimes.
4. The aggravated-assault convictions merged into the malice-murder convictions as a matter of fact and therefore had to be vacated.
5. The evidence was sufficient for a rational trier of fact to find Baines guilty beyond a reasonable doubt of the two murders, the armed robbery of Jones, and the weapons offenses.

KEY QUOTATIONS

"The rule is well established that, to sustain a conviction in a felony case upon the testimony of an accomplice, there must be corroborating facts or circumstances, which, in themselves and independently of the testimony of the accomplice, directly connect the defendant with the crime, or lead to the inference that [he] is guilty, and more than sufficient to merely cast on the defendant a grave suspicion of guilt...." (at 497)

"Under the actual evidence test, if the same evidence that proves aggravated assault is used to prove malice murder, then the former crime is included in the latter as a matter of fact under OCGA § 16-1-6(1)." (at 498)

"Viewed in a light most favorable to the verdict and in deference to the factfinder's assessment of the weight and credibility of witnesses, the evidence was sufficient for a rational trier of fact to have found Baines guilty

beyond a reasonable doubt of the murders of Jones and Hulsey, the armed robbery of Jones, and the weapons offenses.” (at 498)

FACTUAL BACKGROUND

Baines and Connie Christine Cotter devised a scheme to obtain money from Walter Jones after Baines learned Jones possessed a substantial amount of money. Baines entered Jones's mobile home while Cotter waited outside, then reentered after stating that he had a gun; Cotter heard four shots and later saw Jones and Waymon Hulsey dead inside. Baines and Cotter searched the home, took property including Jones's checkbook and car keys, used Jones's car, forged checks, and eventually led investigators to evidence connecting Baines to the crimes, including the murder weapon.

PROCEDURAL HISTORY

A multi-count indictment was returned on February 22, 2000. At trial, the court directed a verdict of acquittal on one felony-murder count; Baines was later acquitted of the burglary counts and related felony-murder charges but convicted of the remaining charged offenses. The trial court imposed consecutive sentences, including sentences for the aggravated assaults. The trial court granted an out-of-time appeal, and the Supreme Court of Georgia affirmed the remaining convictions and sentences while vacating the aggravated-assault convictions and sentences because they merged into the malice-murder convictions as a matter of fact.

DISPOSITION

other

CASES CITED

- White v. State, 255 Ga. 210, 214(8), 336 S.E.2d 777 (1985)
- Jones v. State, 246 Ga. App. 596, 598(3), 539 S.E.2d 602 (2000)
- Lemay v. State, 264 Ga. 263, 265(1), 443 S.E.2d 274 (1994)
- Fleming v. State, 236 Ga. 434, 436, 224 S.E.2d 15 (1976)
- Beasley v. State, 269 Ga. 620(11), 502 S.E.2d 235 (1998)
- Burke v. State, 234 Ga. 512(3), 216 S.E.2d 812 (1975)
- Evans v. State, 275 Ga. 672, 673, 571 S.E.2d 780 (2002)
- Mitchell v. State, 275 Ga. 42, 561 S.E.2d 803 (2002)
- Montes v. State, 262 Ga. 473(1), 421 S.E.2d 710 (1992)
- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)