

SUPREME COURT OF GEORGIA

Brooks v. State

298 Ga. 722 (2016) · No. S15A1480 · Decided March 7, 2016

SUMMARY

The Supreme Court of Georgia held that evidence of the defendant’s separate Mississippi murder was improperly admitted under Georgia’s new Evidence Code to prove identity, motive, and course of conduct in a Georgia murder prosecution. The court concluded that the crimes were not sufficiently similar to establish identity, the prior murder was not logically relevant or necessary to prove motive, and course of conduct was no longer a valid purpose for admitting other-acts evidence. Because the improperly admitted evidence was highly prejudicial and the remaining evidence was not overwhelming, the court reversed the conviction.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Chief Justice; All Justices
JURISDICTION	Georgia
DECIDED	March 7, 2016
DOCKET	S15A1480
DISPOSITION	reversed
PROCEDURAL POSTURE	Brooks appealed his malice-murder conviction after the trial court admitted evidence of an unrelated Mississippi murder under OCGA § 24-4-404 (b). The appeal was initially docketed in the Georgia Court of Appeals and then transferred to the Supreme Court of Georgia.
STANDARD OF REVIEW	The admission of other-acts evidence under OCGA § 24-4-404 (b) is reviewed for clear abuse of discretion. Nonconstitutional evidentiary error is harmless only when it is highly probable that the error did not contribute to the verdict.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential
PARTIES	Fred Dalton Brooks v. The State

TOPICS

- evidence
- criminal procedure
- appellate procedure
- standard of review
- harmless error

PRACTICE AREAS

criminal law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether evidence that Brooks and an accomplice murdered a Mississippi state trooper in 1983 was admissible under OCGA § 24-4-404 (b) to prove Brooks's identity in the charged 1976 murder.
2. Whether the Mississippi murder evidence was admissible under OCGA § 24-4-404 (b) to prove motive.
3. Whether the Mississippi murder evidence was admissible to prove course of conduct under Georgia's new Evidence Code.
4. Whether the erroneous admission of the Mississippi murder evidence was harmless.

HOLDINGS

1. Other-acts evidence offered to prove identity must involve a sufficiently distinctive modus operandi or signature crime; the Mississippi murder was not sufficiently similar to the charged murder and therefore was inadmissible to prove identity.
2. Other-acts evidence offered to prove motive must be logically relevant and necessary to prove something other than the defendant's propensity to commit the charged crime; the unrelated Mississippi murder was not admissible to prove motive for the Carter murder.
3. Course of conduct and bent of mind are not valid independent purposes for admitting other-acts evidence under Georgia's new Evidence Code.
4. The evidentiary error was not harmless because the evidence of guilt, although sufficient, was not overwhelming and the evidence of another murder was highly prejudicial; the conviction therefore had to be reversed.

KEY QUOTATIONS

“The extrinsic act must be a ‘signature’ crime, and the defendant must have used a modus operandi that is uniquely his.” (at 6)

“‘[T]he test for determining nonconstitutional harmless error is whether it is highly probable that the error did not contribute to the verdict.’” (at 11)

FACTUAL BACKGROUND

In 1976, Brooks and Harold David Edgens entered a Hormel meat-packing plant by posing as employees, bound security guard James Carter, and took his property. Brooks shot Carter seven times in the back while Carter lay face down. Approximately 36 years later, Brooks confessed to the killing, and archived latent fingerprints linked him to the crime scene. At trial, Brooks denied being present and claimed that Edgens committed the murder.

PROCEDURAL HISTORY

Brooks was convicted by a jury on all charged counts arising from the 1976 murder of James Carter. The trial court sentenced him to life imprisonment for malice murder and merged or vacated the remaining convictions. After the trial court denied his amended motion for new trial, Brooks appealed; the case was transferred from the Court of Appeals to the Supreme Court of Georgia. The Supreme Court reversed because the other-acts evidence was improperly admitted and the error was not harmless.

DISPOSITION

reversed

CASES CITED

- *Malcolm v. State*, 263 Ga. 369 (434 S.E.2d 479) (1993)
- *Hutchins v. State*, 284 Ga. 395, 396 (667 S.E.2d 589) (2008)
- *Jackson v. Virginia*, 443 U.S. 307 (99 S. Ct. 2781, 61 L. Ed. 2d 560) (1979)
- *Sheffield v. State*, 281 Ga. 33, 34 (635 S.E.2d 776) (2006)
- *Bradshaw v. State*, 296 Ga. 650, 656-657 (769 S.E.2d 892) (2015)
- *State v. Jones*, 297 Ga. 156, 158-159 (773 S.E.2d 170) (2015)
- *United States v. Phaknikone*, 605 F.3d 1099, 1108, 1110 (11th Cir. 2010)
- *United States v. Clemons*, 32 F.3d 1504, 1508-1509 (11th Cir. 1994)
- *Amey v. State*, 331 Ga. App. 244, 250 (770 S.E.2d 321) (2015)
- *United States v. Cardenas*, 895 F.2d 1338, 1342 (11th Cir. 1990)
- *United States v. Lail*, 846 F.2d 1299, 1301 (11th Cir. 1988)
- *United States v. Beechum*, 582 F.2d 898, 912 n.15 (5th Cir. 1978) (en banc)
- *United States v. Frye*, 193 F. App'x 948, 951 (11th Cir. 2006)
- *United States v. Utter*, 97 F.3d 509, 513 (11th Cir. 1996)
- *McMullen v. State*, 316 Ga. App. 684, 692 n.30 (730 S.E.2d 151) (2012)
- *Farley v. State*, 265 Ga. 622, 630 (458 S.E.2d 643) (1995)
- *King v. State*, 230 Ga. App. 301, 303 (496 S.E.2d 312) (1998)
- *Johnson v. State*, 154 Ga. App. 793, 796-797 (270 S.E.2d 214) (1980), reversed, *State v. Johnson*, 246 Ga. 654 (272 S.E.2d 321) (1980)
- *Peoples v. State*, 295 Ga. 44, 55 (757 S.E.2d 646) (2014)