

SUPREME COURT OF GEORGIA

Nelson v. State, 285 Ga. 838

684 S.E.2d 613 (2009) · No. S09A1033 · Decided October 5, 2009

SUMMARY

The Supreme Court of Georgia affirmed Oliver Drew Nelson's convictions for felony murder and possession of a firearm during the commission of a crime arising from a fatal shooting during an attempted robbery. The court held that the evidence was sufficient and that Nelson failed to establish ineffective assistance of trial counsel based on counsel's strategic decisions and failure to move for a directed verdict.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice
JURISDICTION	Georgia
DECIDED	October 5, 2009
DOCKET	S09A1033
DISPOSITION	affirmed
PROCEDURAL POSTURE	Nelson appealed his convictions for felony murder and possession of a firearm during the commission of a crime, arguing that the evidence was insufficient and that trial counsel rendered ineffective assistance.
STANDARD OF REVIEW	The evidence is viewed in the light most favorable to the verdict, and the conviction is upheld if a rational trier of fact could find the defendant guilty beyond a reasonable doubt. On ineffective-assistance claims, factual findings and credibility determinations are accepted unless clearly erroneous, while legal principles are applied independently.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Oliver Drew Nelson v. The State

TOPICS

- criminal procedure
- ineffective assistance
- appellate procedure
- burden of proof
- evidence

PRACTICE AREAS

Criminal law

Criminal procedure

Post-conviction and appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Nelson's convictions for felony murder and possession of a firearm during the commission of a crime.
2. Whether trial counsel rendered ineffective assistance by failing to move for a directed verdict and by declining to use alleged exculpatory information concerning Smith's purported willingness to take the blame and an inmate's account that other individuals planned the crime.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Nelson guilty beyond a reasonable doubt of felony murder and possession of a firearm during the commission of a crime.
2. Because the evidence was sufficient to support the convictions, counsel's failure to move for a directed verdict did not provide a legally sufficient basis for an ineffective-assistance claim.
3. Nelson failed to establish ineffective assistance because trial counsel made reasonable strategic decisions not to present the alleged exculpatory information, and the record supported the trial court's conclusion.

KEY QUOTATIONS

"This evidence was sufficient to enable a rational trier of fact to find Nelson guilty beyond a reasonable doubt of all of the crimes for which he was convicted." (614)

"In light of trial counsel's reasonable strategic decisions, evidence supports the trial court's conclusion that Nelson failed to meet his burden of showing ineffective assistance of trial counsel." (614)

FACTUAL BACKGROUND

Nelson gave Michael Smith crack cocaine and a handgun to persuade Smith to rob Willie James Rhodes. During the attempted robbery, Smith beat Rhodes with the handgun, which discharged and fatally wounded Rhodes. A witness overheard Nelson arranging the robbery, and police later found the gun in the car Nelson was driving when arrested.

PROCEDURAL HISTORY

Nelson was indicted on felony murder, possession of a firearm during the commission of a crime, and possession of a firearm by a convicted felon. The firearm-by-convicted-felon charge was nol prossed. Following a jury trial, Nelson was convicted of the remaining charges and sentenced to life imprisonment plus five consecutive years. The trial court denied his motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Terry v. State, 284 Ga. 119, 663 S.E.2d 704 (2008)
- Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Fuller v. State, 277 Ga. 505(3), 591 S.E.2d 782 (2004)
- Robinson v. State, 277 Ga. 75, 76, 586 S.E.2d 313 (2003)
- Jones v. State, 278 Ga. 880, 608 S.E.2d 229 (2005)
- Smith v. State, 283 Ga. 237, 239(2), 657 S.E.2d 523 (2008)

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