

SUPREME COURT OF GEORGIA

Ardis v. State

290 Ga. 58 (2011) · Decided November 7, 2011

SUMMARY

The Georgia Supreme Court affirmed Jason Ardis's convictions for felony murder, aggravated assault, and related offenses arising from a shooting at an apartment complex. The court addressed ineffective-assistance claims involving a co-defendant's custodial statement, a victim's testimonial police statement, seized firearms and ammunition, and alleged hearsay, as well as the denial of severance. Although the court found a Bruton and Crawford violation related to admitted statements, it held the errors harmless in light of the overwhelming evidence of guilt.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice; all other Justices
JURISDICTION	Georgia
DECIDED	November 7, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ardis appealed his convictions and sentences for felony murder, aggravated assault, criminal attempt to commit armed robbery, and firearm offenses, arguing in part that he received ineffective assistance of trial counsel and that the trial court improperly denied his motion for severance.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether a rational trier of fact could find guilt beyond a reasonable doubt. Findings on ineffective assistance of counsel are affirmed unless clearly erroneous. A denial of severance in a joint trial is reviewed for abuse of discretion, and a defendant must make a clear showing of prejudice. Constitutional trial error is subject to harmless-error review where the court determines beyond a reasonable doubt that the error did not contribute to the verdict.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; binding precedent in Georgia.
PARTIES	Jason Ardis v. State

TOPICS

criminal procedure

ineffective assistance

sixth amendment

appellate procedure

harmless error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

constitutional law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Ardis's convictions.
2. Whether trial counsel was ineffective for failing to object to the admission of co-defendant West's redacted custodial statement.
3. Whether trial counsel was ineffective for failing to object to the admission of Langston's testimonial statement to police.
4. Whether trial counsel was ineffective for failing to object to the seizure and admission of guns and ammunition found in Ardis's home.
5. Whether trial counsel was ineffective for failing to object to alleged hearsay testimony by an investigating officer.
6. Whether the trial court abused its discretion by denying Ardis's motion to sever his trial from West's.

HOLDINGS

1. The evidence was sufficient to allow a rational trier of fact to find Ardis guilty beyond a reasonable doubt of the charged offenses.
2. Although admission of West's redacted custodial statement violated Ardis's Sixth Amendment confrontation rights under Bruton, the violation was harmless beyond a reasonable doubt and did not establish ineffective assistance because the statement was cumulative of overwhelming properly admitted evidence.
3. Langston's statement to police was testimonial and its admission violated Crawford because Langston was unavailable and Ardis had no prior opportunity to cross-examine him, but counsel's failure to object did not prejudice Ardis under Strickland.
4. Counsel was not ineffective for failing to object to the guns and ammunition because the evidence was relevant and probative of the charge of possession of a firearm by a convicted felon, making an objection futile.
5. Even assuming counsel performed deficiently by failing to object to the investigating officer's testimony on hearsay grounds, Ardis failed to show prejudice under Strickland.
6. The trial court did not abuse its discretion in denying severance because Ardis failed to make a clear showing of prejudice from the joint trial.

KEY QUOTATIONS

“Thus, despite the redaction, West’s statement taken in context, obviously refers to Ardis and leads to the inference that Ardis was the individual in the driver’s seat who had access to the gun.” (290 Ga. at 62)

“Because Ardis “had no opportunity to cross-examine [West’s] inculpatory statements against him, his Sixth Amendment rights were violated.”” (290 Ga. at 63)

“an assertion of antagonistic defenses alone is insufficient to warrant the grant of separate trials.” (290 Ga. at 65)

FACTUAL BACKGROUND

A bullet fired through the window of a ground-floor apartment fatally struck nine-year-old Annaijh Rolax, and multiple shots were fired at Timothy Langston in the apartment complex parking lot. Witnesses identified Ardis as the driver of a black Chevrolet Monte Carlo associated with the shooting, and investigators recovered eleven 9mm shell casings and the bullet from Rolax's body, all fired from the same handgun. Ardis later admitted to a friend that he and West went to the complex to rob Langston, that he brought a 9mm pistol, and that he fired it in the parking lot.

PROCEDURAL HISTORY

A Fulton County grand jury indicted Ardis and co-defendant Charles West in connection with the shooting death of Annaijh Rolax and the shooting of Timothy Langston. After a joint jury trial, Ardis was convicted on August 25, 2009, while West was acquitted. The trial court sentenced Ardis on August 26, 2009; denied his amended motion for new trial on April 14, 2011; and Ardis appealed. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Smith v. Francis, 253 Ga. 782 (1) (325 S.E.2d 362) (1985)
- Domingues v. State, 277 Ga. 373 (2) (589 S.E.2d 102) (2003)
- Bruton v. United States, 391 U.S. 123 (1968)
- Herbert v. State, 288 Ga. 843, 848 (5) (708 S.E.2d 260) (2011)
- Davis v. State, 272 Ga. 327, 331-332 (6) (528 S.E.2d 800) (2000)
- Hanifa v. State, 269 Ga. 797 (2) (505 S.E.2d 731) (1998)
- Collum v. State, 281 Ga. 719, 721 (2) (642 S.E.2d 640) (2007)
- Schneble v. Florida, 405 U.S. 427, 430 (1972)
- Burgess v. State, 278 Ga. 314 (1) (602 S.E.2d 566) (2004)
- Crawford v. Washington, 541 U.S. 36, 52, 68 (2004)
- Mask v. State, 309 Ga. App. 761 (2) (711 S.E.2d 348) (2011)

- Nichols v. State, 282 Ga. 401 (2) (651 S.E.2d 15) (2007)
- Westmoreland v. State, 287 Ga. 688, 693 (5) (699 S.E.2d 13) (2010)
- Mason v. State, 279 Ga. 636 (2)(b) (619 S.E.2d 621) (2005)
- Dorsey v. State, 273 Ga. 754 (2) (546 S.E.2d 275) (2001)
- Metz v. State, 284 Ga. 614, 616 (2)(a) (669 S.E.2d 121) (2008)
- Malcolm v. State, 263 Ga. 369 (434 S.E.2d 479) (1993)

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