

SUPREME COURT OF GEORGIA

Byrd v. The State

S25A1153 · No. S25A1153 · Decided January 5, 2026

SUMMARY

The Supreme Court of Georgia affirmed Tommy Joe Byrd’s felony-murder conviction and life-without-parole sentence. The court held that the trial court did not abuse its discretion by denying a mistrial after a witness briefly and nonresponsively stated that Byrd had recently been released from prison, particularly because the statement was stricken and the court offered a curative instruction.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	LaGrua, Justice; All other Justices
JURISDICTION	Supreme Court of Georgia
DECIDED	January 5, 2026
DOCKET	S25A1153
DISPOSITION	affirmed
PROCEDURAL POSTURE	Byrd appealed his felony-murder conviction and sentence, arguing that the trial court abused its discretion by denying his motion for a mistrial after a witness briefly referred to his prior incarceration.
STANDARD OF REVIEW	The denial of a motion for mistrial based on improper admission of bad-character evidence is reviewed for abuse of discretion. A mistrial is required only when essential to preserve the defendant's right to a fair trial.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion
PARTIES	Tommy Joe Byrd v. The State

TOPICS

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

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying a mistrial after a witness briefly referred to Byrd's recent release from prison.
2. Whether the brief, nonspecific, nonresponsive reference to Byrd's incarceration improperly placed his character in evidence.

HOLDINGS

1. The trial court did not abuse its discretion by denying Byrd's motion for a mistrial after the witness briefly and nonspecifically referred to his recent release from prison.

KEY QUOTATIONS

“Whether to grant a mistrial is within the sound discretion of the trial court and will not be disturbed on appeal unless there is a showing that a mistrial is essential to the preservation of the right to a fair trial.” (9)

“For these reasons, the trial court did not abuse its discretion in denying Byrd’s motion for a mistrial.” (10)

FACTUAL BACKGROUND

Bowden was stabbed twice during an altercation after Byrd retrieved a knife from his car and approached Bowden, who had run away and fallen to the ground. Byrd helped place Bowden in a car, drove him to a relative's driveway, and left him there; Bowden later died from stab wounds to his torso. At trial, Byrd's girlfriend made a brief, nonresponsive statement that Byrd had recently gotten out of prison, after which the trial court struck the statement from the record and declined to grant a mistrial.

PROCEDURAL HISTORY

A Morgan County grand jury indicted Byrd for malice murder, felony murder predicated on aggravated assault, and aggravated assault. After trial, the jury acquitted Byrd of malice murder but convicted him of felony murder and aggravated assault; the trial court imposed life without parole for felony murder and merged the aggravated-assault count. The trial court denied Byrd's amended motion for new trial, and Byrd timely appealed to the Supreme Court of Georgia, which decided the case on the briefs.

DISPOSITION

affirmed

CASES CITED

- Swims v. State, 307 Ga. 651, 654-55 (2020)
- Lewis v. State, 287 Ga. 210, 212 (2010)
- Goins v. State, 310 Ga. 199, 206-07 (2020)
- Miranda v. Arizona, 384 U.S. 436 (1966)

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