

SUPREME COURT OF GEORGIA

Jackson v. The State

S26A0465 · No. S26A0465 · Decided March 17, 2026

SUMMARY

The Supreme Court of Georgia affirmed Devon Jackson’s convictions for malice murder and related offenses. The court held that the trial judge did not abuse her discretion by removing Jackson from the courtroom and determining that his persistent disruptive conduct forfeited his rights to remain present and testify in his own defense.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Warren, Presiding Justice; All the Justices
JURISDICTION	Supreme Court of Georgia
DECIDED	March 17, 2026
DOCKET	S26A0465
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a motion for new trial following convictions for malice murder and other crimes.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Devon Jackson v. The State

TOPICS

- criminal procedure
- appellate procedure
- sixth amendment
- standard of review

PRACTICE AREAS

- Criminal procedure
- Constitutional law
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by removing Jackson from the courtroom because of his disruptive and contumacious conduct.

2. Whether Jackson's continued disruptive conduct forfeited his constitutional right to testify in his own defense.
3. Whether Jackson's continued disruptive conduct forfeited his constitutional right to be present for the remainder of the trial proceedings.

HOLDINGS

1. The trial court did not abuse its discretion by immediately removing Jackson after his initial outburst because his conduct created serious and legitimate courtroom-security concerns.
2. A criminal defendant may forfeit the constitutional right to be present at trial by continuing conduct that is so disorderly, disruptive, and disrespectful that the trial cannot proceed with the defendant present, particularly after warnings and opportunities to return.
3. A criminal defendant's constitutional right to testify is not absolute and may be forfeited by persistent, contumacious disruption of trial proceedings after the defendant has been warned and given opportunities to comply.

KEY QUOTATIONS

“[A] defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom. Once lost, the right to be present can, of course, be reclaimed as soon as the defendant is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.” (at 13)

“Despite two clear warnings from the trial judge that Jackson would be removed from the courtroom if he insisted on conducting himself in such a manner and repeated attempts to encourage Jackson to promise that he would behave properly if he continued his testimony, see Allen, 397 US at 343–44, Jackson maintained his contumacious conduct and thus forfeited his right to testify.” (at 18)

FACTUAL BACKGROUND

During his trial, Jackson interrupted his counsel's direct examination of him, began reading from a prepared paper about his dissatisfaction with counsel, grabbed or pulled the courtroom microphone, and physically resisted deputies who attempted to remove him. After being brought back to the courtroom, he repeatedly interrupted the judge, refused to provide clear assurances that he would comply with courtroom rules, continued complaining about counsel, and was removed again. He was given additional opportunities to return if he would behave properly, but he disrupted closing arguments as well, leading the trial court to proceed without him and conclude that he had forfeited his rights to testify and to remain present.

PROCEDURAL HISTORY

A DeKalb County grand jury indicted Jackson in December 2020. Following a jury trial from April 17 to 21, 2023, Jackson was convicted of all charged offenses and received a sentence including life without parole for malice murder. The trial court denied his amended motion for new trial on July 9, 2025, and Jackson timely

appealed, asserting that his removal from the courtroom during trial violated his constitutional rights to be present and to testify.

DISPOSITION

affirmed

CASES CITED

- Illinois v. Allen, 397 US 337, 343–44 (1970)
- State v. Fletcher, 252 Ga. 498, 501 (1984)
- United States v. Ward, 598 F3d 1054, 1059 (8th Cir. 2010)
- United States v. Evans, 908 F3d 346, 352–55 (8th Cir. 2018)
- United States v. Nunez, 877 F2d 1475, 1477–78 (10th Cir. 1989)
- Kerns v. State, S25A1115, slip op. at 18, 20–21 (Ga. Feb. 3, 2026), 2026 WL 270943
- Haynes v. State, 356 Ga. App. 631, 641–42 (2020)