

SUPREME COURT OF GEORGIA

McFarland v. State

McFarland · No. S26A0403 · Decided April 21, 2026

SUMMARY

The Supreme Court of Georgia affirmed Travis McFarland’s convictions arising from the shooting death of James Ponder. The court held that the evidence was sufficient to support convictions under the Street Gang Terrorism and Prevention Act, that the trial court did not err by declining to give a justification instruction, and that McFarland failed to establish ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Ellington, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	April 21, 2026
DOCKET	S26A0403
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the denial of a motion for new trial following convictions for felony murder, Street Gang Act violations, aggravated assault, attempted armed robbery, and possession of a firearm during the commission of a felony.
STANDARD OF REVIEW	For constitutional sufficiency challenges, the evidence is viewed in the light most favorable to the verdict, and the question is whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. The appellate court defers to the jury's resolution of conflicts, credibility determinations, and reasonable inferences. A requested jury instruction is authorized when there is at least slight evidence supporting it. Ineffective-assistance claims require proof of deficient performance and prejudice under Strickland; strategic decisions are deficient only when patently unreasonable.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Travis McFarland v. The State

TOPICS

criminal procedure

jury instructions

ineffective assistance

appellate procedure

statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the evidence was constitutionally sufficient to prove the nexus between McFarland's predicate crimes and his intent to further the interests of a criminal street gang or maintain or increase his status in the gang.
2. Whether the trial court erred by refusing to give McFarland's requested jury instruction on justification.
3. Whether trial counsel was constitutionally ineffective by failing to object to a gang expert's reference to a 2018 murder investigation.
4. Whether trial counsel was ineffective for failing to argue justification during closing argument.
5. Whether trial counsel was ineffective for failing to file a demurrer challenging the Street Gang Act counts of the indictment.
6. Whether trial counsel was ineffective for failing to object to allegedly prejudicial photographs.

HOLDINGS

1. The evidence was sufficient for a rational jury to find beyond a reasonable doubt that McFarland's predicate crimes were intended to further the interests of the Bloods gang and to maintain or increase his status in the gang.
2. The trial court did not err in refusing to give a justification instruction because the record contained no evidence, even slight evidence, that McFarland reasonably believed Ponder posed an imminent threat requiring the use of deadly force.
3. Counsel was not constitutionally ineffective for failing to object to the expert's isolated, brief, and nonresponsive reference to a 2018 murder investigation.
4. McFarland failed to establish prejudice from counsel's failure to argue justification during closing argument.
5. Counsel was not ineffective for failing to file a demurrer because the Street Gang Act counts were legally sufficient and sufficiently specific.
6. The photographs claim failed because McFarland identified neither the challenged photographs nor a legal basis for objection and did not establish deficient performance or prejudice.

KEY QUOTATIONS

"To carry its burden of proving that McFarland violated the Street Gang Act, the State was required to establish:" (6)

"A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself or herself or a third person

against such other's imminent use of unlawful force[.]” (9)

“The existence of a “nexus” between the act and the gang’s interest is not a statutory element separate from the fourth element; it is how this Court has characterized the proof necessary to establish that element.” (14-15)

FACTUAL BACKGROUND

Ponder arranged to buy a handgun and marijuana and drove with Sturkie to meet the seller. Two men entered the back seat, attempted to take Ponder's cash, pistol-whipped him, and fired shots; Ponder later died from multiple gunshot wounds. Evidence linked McFarland to the murder weapon, including his fingerprint, phone and social-media evidence, and ammunition recovered from the vehicle and victim. Gang evidence showed McFarland's association with the Bloods and evidence that the charged crimes were consistent with gang activities and intended to advance gang interests or McFarland's status.

PROCEDURAL HISTORY

A Troup County jury found McFarland guilty on all indicted counts. The trial court imposed a life sentence for felony murder and consecutive terms for the Street Gang Act violations, attempted armed robbery, and firearm offense; the aggravated-assault conviction merged and the second felony-murder conviction was vacated by operation of law. The trial court denied McFarland's amended motion for new trial, and he timely appealed. The Supreme Court of Georgia considered the appeal on the briefs and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Boyd v. State*, 306 Ga. 204, 207 (2019)
- *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)
- *Hamilton v. State*, 309 Ga. 1, 6 (2020)
- *Rooks v. State*, 317 Ga. 743, 753 (2023)
- *Butler v. State*, 310 Ga. 892, 897 (2021)
- *Rodriguez v. State*, 284 Ga. 803, 807 (2009)
- *Bradford v. State*, ___ Ga. ___ (2026), S26A0194, slip op.
- *Blocker v. State*, 316 Ga. 568, 575-76 (2023)
- *Beamon v. State*, *Beamon v. State*, 314 Ga. 798, 803 (2022)
- *Hayes v. State*, 298 Ga. 339, 342-43 (2016)
- *Williams v. State*, 316 Ga. 304, 311 (2023)
- *Hunter v. State*, 281 Ga. 693, 695 (2007)
- *Strickland v. Washington*, 466 U.S. 668, 687-96 (1984)
- *Middlebrooks v. State*, 310 Ga. 748, 751 (2021)

- Romer v. State, 293 Ga. 339, 344 (2013)
- Marshall v. State, 297 Ga. 445, 448 (2015)
- Vann v. State, 311 Ga. 301, 303 (2021)
- Lawrence v. State, 286 Ga. 533, 533-34 (2010)
- State v. Goff, 308 Ga. 330, 335-36 (2020)
- Brown v. State, 307 Ga. 24, 33 (2019)
- Kennedy v. State, 304 Ga. 285, 289 (2018)
- Blackwell v. State, 302 Ga. 820, 825 (2018)
- Smith v. State, 284 Ga. 599, 602 (2008)
- Kirkland v. State, 271 Ga. 217, 219 (2003)
- Morgan v. State, 267 Ga. 203, 203-04 (1996)
- Moss v. State, 322 Ga. 757, 765 (2025)
- State v. Wyatt, 295 Ga. 257, 260 (2014)
- McKinney v. State, 318 Ga. 566, 570 (2024)
- Bullard v. State, 307 Ga. 482, 487 (2019)
- Mims v. State, 304 Ga. 851, 858 (2019)
- Bates v. State, 313 Ga. 57, 69 (2022)