

SUPREME COURT OF GEORGIA

Young v. State, 290 Ga. 441

721 S.E.2d 839 (2012) · No. S11A1296 · Decided January 9, 2012

SUMMARY

The Supreme Court of Georgia affirmed Kareem K. Young's convictions for felony murder and related offenses arising from the shooting death of his cousin. The court rejected his Brady claims concerning a police department management report and an unidentified child witness, upheld admission of a prior convenience-store homicide as a similar transaction, and found no error in limiting cross-examination of a police officer or denying a jury view.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	January 9, 2012
DOCKET	S11A1296
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for felony murder and related offenses following a jury trial.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under whether any rational trier of fact could find guilt beyond a reasonable doubt. The trial court's evidentiary rulings, limitation of cross-examination, and denial of a jury view were reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Georgia.
PARTIES	Kareem K. Young v. The State

TOPICS

- criminal procedure
- evidence
- appellate procedure
- sixth amendment
- hearsay

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Young's convictions.
2. Whether the State violated *Brady v. Maryland* by failing to disclose a management report concerning the Garden City Police Department.
3. Whether the State violated *Brady* by refusing to identify a child witness whose statement had been reviewed in camera.
4. Whether evidence of the 2004 convenience-store homicide was admissible as a similar transaction.
5. Whether the trial court violated Young's confrontation rights or otherwise abused its discretion by limiting cross-examination of Officer Nollinger concerning possible bias.
6. Whether the trial court abused its discretion by denying a jury view of the crime scene.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Young guilty beyond a reasonable doubt of the offenses for which he was convicted.
2. The undisclosed management report was not *Brady* material because it was neither exculpatory nor impeaching and was not material to the outcome of the trial.
3. The State's failure to identify the witness did not violate *Brady* because Young knew before trial that the State had obtained the witness's statements, and an in-camera review showed that the statement was not exculpatory.
4. The trial court properly admitted evidence of the 2004 convenience-store homicide as a similar transaction because the prosecution established a sufficient connection among Young, the handgun, and both crimes.
5. The trial court did not abuse its discretion by limiting cross-examination of Officer Nollinger about possible pressure arising from criminal and disciplinary proceedings against him.
6. The trial court did not abuse its discretion in denying a jury view because the trial evidence, including video, diagrams, and photographs, enabled the jury to understand the crime scene and issues.

KEY QUOTATIONS

"To prevail on a Brady claim, appellant must demonstrate that the prosecution wilfully or inadvertently suppressed evidence favorable to the accused, either because it is exculpatory or impeaching." (842)

"The Confrontation Clause guarantees only an opportunity for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent, the defense might wish." (843)

FACTUAL BACKGROUND

Young shot his cousin, Arkeem Lavan Young, in the head outside their home and then called 911. Physical evidence, including shell-casing location, blood spatter, gunpowder residue, and recovery of the murder weapon from under the house, contradicted Young's account that a passing truck fired the shot. Ballistics connected the handgun to both the victim's death and an earlier convenience-store homicide for which Young had been a

suspect. Young challenged the convictions based on alleged Brady violations, admission of the earlier homicide as a similar transaction, limits on cross-examination of a police officer, and denial of a jury view.

PROCEDURAL HISTORY

Young was indicted for malice murder, two counts of felony murder, possession of a firearm during the commission of a felony, theft by receiving stolen property, tampering with evidence, and making false statements. After trial, the jury acquitted him of malice murder but convicted him of the remaining charges. The trial court imposed a life sentence for felony murder predicated on aggravated assault and additional concurrent or consecutive sentences as applicable. The trial court denied Young's motion for new trial, and he appealed to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Brady v. Maryland, 373 U.S. 83, 87 (1963)
- Kyles v. Whitley, 514 U.S. 419, 436-437 (1995)
- United States v. Bagley, 473 U.S. 667, 682 (1985)
- Wood v. Bartholomew, 516 U.S. 1 (1995)
- Jackson v. Virginia, 443 U.S. 307, 318-319 (1979)
- Vega v. State, 285 Ga. 32, 33, 673 S.E.2d 223 (2009)
- Young v. State, 281 Ga. 750, 642 S.E.2d 806 (2007)
- Watkins v. State, 276 Ga. 578, 582, 581 S.E.2d 23 (2003)
- Sapp v. State, 263 Ga. App. 122, 587 S.E.2d 267 (2003)
- Sutton v. State, 237 Ga. 418, 419(3), 228 S.E.2d 815 (1976)
- Esposito v. State, 273 Ga. 183, 187(4), 538 S.E.2d 55 (2000)
- Malcolm v. State, 263 Ga. 369, 434 S.E.2d 479 (1993)

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