

SUPREME COURT OF GEORGIA

Christian v. State, 281 Ga. 474

640 S.E.2d 21 (2007) · No. S06A1755 · Decided January 8, 2007

SUMMARY

The Supreme Court of Georgia affirmed Cheryl Christian’s convictions for felony murder, cruelty to children, and aggravated assault arising from the death of her three-year-old daughter. The court held that the evidence was sufficient and that the separate convictions did not merge into the felony-murder conviction. It also held that Christian was not denied her constitutional right to a speedy trial under the Barker v. Wingo balancing test.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Carley, Justice
JURISDICTION	Georgia
DECIDED	January 8, 2007
DOCKET	S06A1755
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a bench trial, Christian was convicted of felony murder, cruelty to children, and aggravated assault. The trial court denied her motion for a new trial and her motion to dismiss based on an alleged constitutional speedy-trial violation. She appealed.
STANDARD OF REVIEW	The evidence is viewed in the light most favorable to the verdict, and the conviction is upheld if a rational trier of fact could find guilt beyond a reasonable doubt under Jackson v. Virginia. A trial court's factual findings and weighing of disputed facts in a speedy-trial analysis are afforded deference on appeal.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; binding precedent in Georgia.
PARTIES	Cheryl Christian v. The State

TOPICS

speedy trial

criminal procedure

hearsay

evidence

PRACTICE AREAS

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Christian's convictions for felony murder, cruelty to children, and aggravated assault.
2. Whether the cruelty-to-children and aggravated-assault convictions merged into the felony-murder conviction for sentencing purposes.
3. Whether the delay between Christian's arrest and trial violated her constitutional right to a speedy trial.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Christian guilty beyond a reasonable doubt of felony murder, cruelty to children, and aggravated assault.
2. The separate cruelty-to-children and aggravated-assault convictions did not merge into the felony-murder conviction, and separate sentences were authorized.
3. Christian was not unconstitutionally denied her right to a speedy trial.

KEY QUOTATIONS

"In examining an alleged denial of the constitutional right to a speedy trial, courts must engage in a balancing test with the following factors being considered: (1) the length of the delay; (2) the reasons for the delay; (3) the defendant's assertion of the right to a speedy trial; and (4) prejudice to the defendant." (24)

"Balancing these factors, we conclude that although the State was negligent in failing to bring [A]ppellant to trial in a timely fashion, that consideration is outweighed by the facts that [A]ppellant suffered little actual prejudice to [her] defense, suffered no unduly oppressive pretrial incarceration and waited a significant amount of time before asserting [her] right to a speedy trial." (25)

FACTUAL BACKGROUND

Christian's three-year-old daughter died shortly after suffering a fatal abdominal blow. Christian was the only adult in the house with the children during the relevant period; her son heard her threaten to whip the victim, and Christian initially admitted beating the child with a belt before later suggesting that she might have stepped on the child accidentally. The child weighed twenty-seven pounds, and the medical examiner testified that the fatal blow was not accidental and that death occurred within approximately an hour. Christian was arrested in May 1998 but was not brought to trial until June 2003.

PROCEDURAL HISTORY

Christian was arrested in May 1998, indicted in August 2001, reindicted on April 22, 2003, and tried in June 2003. The trial court entered judgments of conviction and imposed a life sentence for felony murder and concurrent twenty-year sentences for cruelty to children and aggravated assault. The trial court denied her motion for new trial on November 10, 2005, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Barker v. Wingo, 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972)
- Williams v. State, 277 Ga. 598, 599(1), 592 S.E.2d 848 (2004)
- Wimberly v. State, 279 Ga. 65, 608 S.E.2d 625 (2005)
- Nelloms v. State, 274 Ga. 179, 180-81, 549 S.E.2d 381 (2001)
- Jackson v. State, 272 Ga. 782, 784-85, 534 S.E.2d 796 (2000)
- Perry v. Mitchell, 253 Ga. 593, 595, 322 S.E.2d 273 (1984)
- Williams v. State, 279 Ga. 106, 109(1)(d), 610 S.E.2d 32 (2005)
- Smith v. State, 275 Ga. 261, 263, 564 S.E.2d 441 (2002)
- Boseman v. State, 263 Ga. 730, 733(1)(d), 438 S.E.2d 626 (1994)
- Salahuddin v. State, 277 Ga. 561, 563(2), 592 S.E.2d 410 (2004)
- Brannen v. State, 274 Ga. 454, 458, 553 S.E.2d 813 (2001)
- Hardeman v. State, 280 Ga. App. 168, 171(4), 633 S.E.2d 595 (2006)