

SUPREME COURT OF GEORGIA

Patterson v. State

S26A0272 · No. S26A0272 · Decided March 17, 2026

SUMMARY

The Supreme Court of Georgia affirmed Kiwani Patterson’s convictions for malice murder and possession of a firearm by a convicted felon during a crime. The court held that the evidence was sufficient, that the trial court properly exercised its discretion in denying a motion for new trial on the general grounds, and that Patterson’s ineffective-assistance claims were waived because they were not raised at the first possible stage of post-conviction review.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	McMillian, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	March 17, 2026
DOCKET	S26A0272
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for malice murder and other crimes following denial of a motion for new trial.
STANDARD OF REVIEW	Constitutional sufficiency of the evidence is reviewed in the light most favorable to the verdict to determine whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. The denial of a motion for new trial on the general grounds is reviewed only to determine whether the trial court properly exercised its discretion as the thirteenth juror; the Supreme Court does not review the merits of that discretionary decision. Ineffective-assistance claims not raised at the first possible stage of post-conviction review are waived on direct appeal.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Kiwani Patterson v. The State

TOPICS

criminal procedure

appellate procedure

evidence

post-conviction relief

ineffective assistance

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

evidence

post-conviction relief

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Patterson's convictions for malice murder and possession of a firearm by a convicted felon during a crime.
2. Whether the trial court erred by denying Patterson's motion for new trial on the general grounds under OCGA §§ 5-5-20 and 5-5-21.
3. Whether Patterson's ineffective-assistance-of-counsel claims were reviewable on direct appeal when they were not raised in the motion for new trial despite his representation by new counsel.

HOLDINGS

1. The evidence was legally sufficient to support Patterson's convictions for malice murder and possession of a firearm by a convicted felon during a crime.
2. The trial court did not err in denying Patterson's motion for new trial on the general grounds because the record showed that it properly exercised its discretion as the thirteenth juror.
3. Patterson's ineffective-assistance claims were waived for purposes of direct appellate review because he failed to raise them at the first possible stage of post-conviction review while represented by new counsel.

KEY QUOTATIONS

“When this Court reviews the sufficiency of the evidence as a matter of constitutional due process, we review the evidence in the light most favorable to the jury’s verdict and ask whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt.” (7)

“once we have determined that the trial court properly exercised its authority in refusing to grant a new trial on the general grounds, we cannot review the merits of that decision by the trial court.” (11)

“Because the ineffective assistance of counsel claims were not raised at the “first possible stage of post-conviction review,” these claims are waived for purposes of review by this Court.” (12)

FACTUAL BACKGROUND

Bentley arrived at a residence where Patterson and several others were present. Shortly after Bentley entered the house carrying a handgun, witnesses heard gunshots, saw Patterson leave the house, and heard him ask Breyon Gibbs for a ride. Bentley was found inside with fatal gunshot wounds, and two shell casings fired from the same 9mm pistol were recovered. Witness statements and the physical evidence supported the conclusion that Patterson was the shooter, although another occupant, Williams, had two particles of gunshot residue on his hands.

PROCEDURAL HISTORY

A Chatham County grand jury indicted Patterson for malice murder, two counts of felony murder, possession of a firearm during the commission of a felony, and possession of a firearm by a convicted felon during a crime. After a 2020 jury trial, Patterson was convicted on all counts; the felony-murder counts were vacated by operation of law, and the firearm-during-a-felony count merged into the firearm-by-a-convicted-felon count for sentencing. The trial court ultimately entered a new order denying Patterson's motion for new trial on July 24, 2025, after an earlier appeal was dismissed and remanded to correct a jurisdictional issue. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Patterson v. State, 321 Ga. 487 (2025)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Fuller v. State, 322 Ga. 188, 191 (2025)
- Wilkerson v. State, 317 Ga. 242, 245 (2023)
- Harris v. State, Harris v. State, 313 Ga. 225, 231 (2022)
- Ellington v. State, 314 Ga. 335, 341 (2022)
- Rashad v. State, 318 Ga. 199, 206 (2024)
- Holmes v. State, 306 Ga. 524, 528 (2019)
- Allen v. State, Allen v. State, 315 Ga. 524, 531 (2023)
- White v. Kelso, 261 Ga. 32, 32 (1991)
- Patterson v. State, 314 Ga. 167, 171 (2022)