

SUPREME COURT OF GEORGIA

Colton v. State

296 Ga. 172 (2014) · No. S14A0703 · Decided November 17, 2014

SUMMARY

The Supreme Court of Georgia affirmed the trial court’s post-remand determination that Tyus Colton’s confession was voluntary and affirmed his convictions for murder and related offenses. The court held that Colton’s intellectual limitations did not establish that he was unable to understand and waive his Miranda rights, and that the trial court’s voluntariness findings were not clearly erroneous. The court also held that the erroneous admission of a co-defendant’s noncustodial statement was harmless because it was cumulative of other evidence.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Presiding Justice; Benham, Justice; Hunstein, Justice
JURISDICTION	Georgia
DECIDED	November 17, 2014
DOCKET	S14A0703
DISPOSITION	affirmed
PROCEDURAL POSTURE	Second direct appeal following remand for the trial court to make a preliminary and conclusive determination concerning the voluntariness of Colton's confession.
STANDARD OF REVIEW	The Supreme Court reviewed the trial court's factual and credibility determinations following the Jackson v. Denno hearing for clear error.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the Supreme Court of Georgia.
PARTIES	Tyus Colton v. The State

TOPICS

- suppression of evidence
- miranda rights
- criminal procedure
- sixth amendment
- harmless error

PRACTICE AREAS

- criminal procedure
- evidence
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court clearly erred in finding that Colton understood and knowingly waived his Miranda rights and voluntarily gave his confession.
2. Whether the erroneous admission of co-defendant Rayford Bussie's noncustodial statement violated the Sixth Amendment but was harmless because the statement was cumulative of other properly admitted evidence.

HOLDINGS

1. The trial court did not clearly err in finding that Colton understood his Miranda rights, knowingly and voluntarily waived them, and gave his confession freely and voluntarily. Cognitive impairment is one factor in the totality-of-the-circumstances analysis, and below-average intelligence or moderate intellectual disability alone does not require exclusion of a confession.
2. Although the admission of Bussie's noncustodial statement violated Colton's Sixth Amendment rights, the error was harmless because the statement was cumulative of Colton's own inculpatory confession and other properly admitted evidence.

KEY QUOTATIONS

“a defendant's alleged cognitive impairment is not dispositive on the question of voluntariness but is one factor for the trial court to consider in the context of the totality of the circumstances surrounding a statement and a waiver of Miranda rights.” (296 Ga. at 178-179)

“The mere showing that a defendant who has confessed to a crime may have some mental disability is an insufficient basis upon which to exclude the defendant's statement.” (296 Ga. at 179)

“Bussie’s statement was merely cumulative of Colton's own inculpatory statement to police and the other properly admitted evidence of Colton’s guilt; therefore, the error in the admission of Bussie’s non-custodial statement to police was harmless.” (296 Ga. at 180)

FACTUAL BACKGROUND

After a fight at a house party, Colton severely beat Shannon Blount, including by strangling him and striking him with a chair or similar object. Blount died from asphyxia by manual strangulation compounded by blunt-force trauma. The day after the incident, after being released from the hospital, Colton was advised of his Miranda rights, signed a written waiver, and gave police a statement describing the assault. Colton argued that his low intelligence, youth, injuries, intoxication, and recent hospitalization prevented a knowing and voluntary waiver.

PROCEDURAL HISTORY

A jury convicted Colton of malice murder, felony murder, aggravated assault, and aggravated battery and sentenced him to life imprisonment. On the first appeal, the Supreme Court of Georgia remanded because the trial court had not made the required preliminary finding that Colton's confession was voluntary; the Court also held that admission of a noncustodial statement by co-defendant Rayford Bussie violated Colton's Sixth Amendment rights but left harmless-error review unresolved. On remand, the trial court held a *Jackson v. Denno*

hearing, found that Colton understood and voluntarily waived his Miranda rights, and ruled that his confession was voluntary. The Supreme Court affirmed that ruling and the convictions.

DISPOSITION

affirmed

CASES CITED

- Colton v. State, 292 Ga. 509, 511-513 (739 SE2d 380) (2013)
- Currier v. State, 294 Ga. 392, 398 (3) (754 SE2d 17) (2014)
- Wright v. State, 285 Ga. 428, 431-432 (2) (677 SE2d 82) (2009)
- Barrett v. State, 289 Ga. 197, 199 (1) (709 SE2d 816) (2011)
- Flowers v. State, 265 Ga. 688, 689 (2) (461 SE2d 533) (1995)
- Jackson v. State, 291 Ga. 22, 24 (2) (727 SE2d 106) (2012)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Jackson v. Denno, 378 U.S. 368 (1964)
- Johnson v. State, 295 Ga. 421 (2) (761 SE2d 13) (2014)
- Yancey v. State, 275 Ga. 550, 557 (3) (570 SE2d 269) (2002)

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