

SUPREME COURT OF GEORGIA

Lewis v. State, 279 Ga. 756

620 S.E.2d 778 (2005) · No. S05P0906 · Decided September 19, 2005

SUMMARY

The Supreme Court of Georgia affirmed Gerald Patrick Lewis's death sentence for the malice murder of Peggy Grimes. The court rejected challenges concerning sentencing-phase evidence, jury selection and sequestration, mental illness and competency, confessions, jury instructions, statutory aggravating circumstances, lethal injection, and proportionality.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Sears, Chief Justice; All Justices
JURISDICTION	Georgia
DECIDED	September 19, 2005
DOCKET	S05P0906
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a capital sentencing judgment following Lewis's guilty pleas to malice murder, felony murder, feticide, aggravated battery, and kidnapping with bodily injury.
STANDARD OF REVIEW	The Supreme Court reviewed juror-qualification and sequestration decisions for abuse of discretion, reviewed the sufficiency of the evidence under Jackson v. Virginia and OCGA § 17-10-35(c)(2), deferred to the trial court's voir dire determinations when supported by the record as a whole, and independently reviewed the proportionality and arbitrariness of the death sentence under OCGA § 17-10-35(c)(1) and (c)(3).
PARTIES	Gerald Patrick Lewis v. The State

QUESTIONS PRESENTED

1. Whether the evidence supported the statutory aggravating circumstances and the death sentence.
2. Whether the State properly introduced other-crimes, prior-conviction, and nonstatutory aggravating evidence during the sentencing trial.

3. Whether the trial court improperly restricted voir dire or erred in qualifying or excusing prospective jurors for cause.
4. Whether exposure to pretrial publicity required excusal of prospective jurors or reversal.
5. Whether jury sequestration violated Lewis's statutory or constitutional rights.
6. Whether the trial court adequately instructed the jury regarding the effects of Lewis's medication on his courtroom demeanor.
7. Whether photographs, a sonogram, letters, confessions, and other evidence were properly admitted.
8. Whether statutory aggravating circumstances had to be included in the indictment.
9. Whether Georgia's death-penalty statutes, lethal injection, and the sentencing procedures were constitutional.
10. Whether Lewis's mental illness barred execution or rendered his guilty pleas or confessions invalid.
11. Whether the verdict form and jury hardship excusals were proper.
12. Whether Lewis was competent to plead guilty and whether he was denied expert assistance regarding competency.
13. Whether the death sentence was imposed because of passion, prejudice, or arbitrariness and whether it was excessive or disproportionate.

HOLDINGS

1. The evidence was sufficient to authorize the jury to find the statutory aggravating circumstances beyond a reasonable doubt and to impose a death sentence.
2. At a capital sentencing trial, the State may present evidence of a defendant's bad character, including prior convictions and nonadjudicated offenses, as nonstatutory aggravating evidence.
3. A prospective juror is disqualified when the juror's views would prevent or substantially impair performance of the juror's duties, but a leaning for or against death or another authorized sentence does not alone require disqualification.
4. Exposure to pretrial publicity did not require excusal of the challenged prospective jurors because the qualified jurors stated that they could decide the case solely on the trial evidence and remain impartial.
5. Lewis's confessions were admissible because they were voluntary, were not induced by threats or promises, and followed Miranda warnings and waivers; mental illness alone does not render a statement involuntary.
6. The court declined to extend the constitutional prohibition on executing intellectually disabled defendants to competent defendants who are mentally ill, particularly where the defendant was not found guilty but mentally ill.
7. Georgia's death-penalty statutes and lethal-injection method were not unconstitutional, and Lewis's death sentence was not imposed through passion, prejudice, or arbitrariness and was neither excessive nor disproportionate.

KEY QUOTATIONS

“We affirm the death sentence.” (at 781)

“The proper standard for determining the disqualification of a prospective juror based upon his views on capital punishment ‘is whether the juror’s views would prevent or substantially impair the performance of his duties as a juror’ (at 783)

FACTUAL BACKGROUND

Lewis murdered Peggy Grimes, who was visibly pregnant, in Douglas County in 1993 by kidnapping her, strangling and stabbing her, and attempting to cut open her abdomen to remove the fetus. Physical evidence, including skeletal remains, fetal bones, a rib injury, DNA identification, and a blood-stained knife recovered where Lewis said he had hidden it, corroborated his confessions. The State also presented evidence of Lewis's other murders and attempted attacks on women, as well as his prior attempted murder of a five-year-old girl. Lewis pleaded guilty to the charged offenses and received a capital sentencing trial in which the jury found three statutory aggravating circumstances.

PROCEDURAL HISTORY

A Douglas County grand jury indicted Lewis in 2001. He pleaded guilty to all charges in November 2001, and the trial court conducted a sentencing trial from March 3 through March 27, 2003. The jury recommended death for malice murder after finding three statutory aggravating circumstances. The trial court imposed death for malice murder and additional terms for the other offenses, denied Lewis's amended motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

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