

SUPREME COURT OF GEORGIA

Bryant v. State, 282 Ga. 631

651 S.E.2d 718 (2007) · No. S07A0925 · Decided October 9, 2007

SUMMARY

The Supreme Court of Georgia affirmed Michael Wayne Bryant’s convictions for malice murder, burglary, and first-degree arson arising from the death of Edith Ann Haynes and the burning of her mobile home. The court rejected challenges concerning sufficiency of the evidence, admission of prior-fire and attorney-related evidence, hearsay, an in-court fire demonstration, and ineffective assistance of counsel. All justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice; All other Justices of the Supreme Court of Georgia
JURISDICTION	Georgia
DECIDED	October 9, 2007
DOCKET	S07A0925
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bryant appealed his convictions for malice murder, burglary, and first-degree arson after the trial court denied his amended motion for new trial.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt, viewing the evidence in the light most favorable to the verdict. The admission of similar-transaction evidence and the allowance of an in-court demonstration are reviewed for abuse of discretion, subject to preservation requirements. The trial court's factual findings on ineffective assistance are upheld unless clearly erroneous, while its legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Georgia
PARTIES	Michael Wayne Bryant v. State of Georgia

TOPICS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Bryant's convictions for malice murder and first-degree arson despite the circumstantial nature of the State's case and Bryant's alibi.
2. Whether the evidence was sufficient to prove that Bryant lacked authority to enter Haynes's mobile home for purposes of burglary.
3. Whether evidence of the prior fire at Bryant's former home was admissible as similar-transaction evidence.
4. Whether admission of letters from Bryant's former attorney violated the attorney-client privilege or constituted improper character evidence.
5. Whether alleged references to satanic rituals during voir dire, opening statements, or trial required reversal or a mistrial.
6. Whether testimony concerning Haynes's statements and events occurring during Haynes's telephone conversation constituted inadmissible hearsay.
7. Whether the trial court abused its discretion by permitting an in-court demonstration of a delayed-ignition device.
8. Whether trial counsel rendered ineffective assistance by failing to preserve several claims and by failing to move to suppress evidence obtained under the search warrant.

HOLDINGS

1. The evidence, including the circumstantial evidence of motive, opportunity, the manner of Haynes's death, and the intentionally set fire, was sufficient for a rational trier of fact to find Bryant guilty beyond a reasonable doubt of malice murder and first-degree arson.
2. The evidence was sufficient to establish that Bryant lacked authority to enter Haynes's mobile home when the burglary occurred, even if he previously had permission to enter for repairs.
3. The evidence concerning the prior fire at Bryant's former home was properly admitted as similar-transaction evidence to show motive and course of conduct.
4. Admission of the three letters from Bryant's former attorney did not violate the attorney-client privilege.
5. Bryant failed to establish reversible error or entitlement to a mistrial based on alleged references to satanic rituals because the relevant voir dire and opening statements were not transcribed and the record did not show prejudicial conduct requiring a mistrial.
6. The challenged testimony was not double hearsay, and any error in admitting it was harmless because Haynes was unavailable and another witness testified without objection to essentially the same facts.

7. Bryant waived his challenge to the in-court demonstration by failing to make a contemporaneous objection; alternatively, the trial court acted within its discretion in allowing the demonstration.
8. Bryant did not establish ineffective assistance based on counsel's failure to move to suppress evidence obtained under the search warrant because the affidavit was not shown to contain a knowingly or patently false assertion and independently established probable cause.

KEY QUOTATIONS

"It is the jury that determines the credibility of the witnesses, and it was authorized to disbelieve the alibi testimony." (651 S.E.2d at 719)

"Indeed, the statutes outlining the attorney-client privilege are not broadly construed; the attorney-client privilege embodied in OCGA § 24-9-24 has been confined "to its narrowest permissible limits."" (651 S.E.2d at 721)

"Where the issue of trial counsel's effectiveness has been raised on motion for new trial, any claims not raised at that time are waived." (651 S.E.2d at 726)

FACTUAL BACKGROUND

Bryant agreed to purchase Edith Ann Haynes's house, obtained a deed without promptly paying the agreed consideration, and was present at or near Haynes's mobile home on the day she was killed. Haynes was found dead inside the mobile home after a fire; medical evidence indicated that she died from manual strangulation before the fire began. Investigators found evidence of an intentionally accelerated or delayed fire, and a search of Bryant's home uncovered fire-related materials and other evidence. The State also introduced evidence concerning a prior fire at Bryant's former home and letters between Bryant and an attorney.

PROCEDURAL HISTORY

A Richmond County grand jury indicted Bryant on December 11, 2001. A jury convicted him of malice murder, burglary, and first-degree arson following a trial held October 21-28, 2002. The trial court sentenced him to life imprisonment for malice murder, twenty years for burglary, and a consecutive twenty-year term for arson. His motion for new trial, amended several times, was denied on February 23, 2006, and he appealed to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Daniels v. State, 281 Ga. 226, 637 S.E.2d 403 (2006)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- Jones v. State, 258 Ga. 25, 365 S.E.2d 263 (1988)
- Freeman v. State, 268 Ga. 185, 486 S.E.2d 348 (1997)

- Williams v. State, 261 Ga. 640, 409 S.E.2d 649 (1991)
- Biggs v. State, 281 Ga. 627, 642 S.E.2d 74 (2007)
- Banks v. State, 216 Ga. App. 326, 454 S.E.2d 784 (1995)
- Head v. State, 276 Ga. 131, 575 S.E.2d 883 (2003)
- Taylor v. Taylor, 179 Ga. 691, 177 S.E. 582 (1934)
- Southern Guar. Ins. Co. of Georgia v. Ash, 192 Ga. App. 24, 383 S.E.2d 579 (1989)
- Howard v. State, 279 Ga. 166, 611 S.E.2d 3 (2005)
- Jones v. State, 263 Ga. 904, 440 S.E.2d 161 (1994)
- Smith v. Smith, 222 Ga. 694, 152 S.E.2d 560 (1966)
- Cranford v. Cranford, 120 Ga. App. 470, 170 S.E.2d 844 (1969)
- Tenet Healthcare Corp. v. Louisiana Forum, 273 Ga. 206, 538 S.E.2d 441 (2000)
- Wood v. State, 279 Ga. 667, 620 S.E.2d 348 (2005)
- Butler v. State, 273 Ga. 380, 541 S.E.2d 653 (2001)
- Jackson v. State, 281 Ga. App. 506, 636 S.E.2d 694 (2006)
- Bowman v. State, 144 Ga. App. 681, 242 S.E.2d 480 (1978)
- Gordon v. State, 273 Ga. 373, 541 S.E.2d 376 (2001)
- Culmer v. State, 282 Ga. 330, 647 S.E.2d 30 (2007)
- Tuff v. State, 278 Ga. 91, 597 S.E.2d 328 (2004)
- Brooks v. State, 281 Ga. 514, 640 S.E.2d 280 (2007)
- Perry v. State, 274 Ga. 236, 552 S.E.2d 798 (2001)
- Powell v. State, 226 Ga. App. 861, 487 S.E.2d 424 (1997)
- Boyce v. State, 198 Ga. App. 371, 401 S.E.2d 578 (1991)
- Wilson v. State, 277 Ga. 195, 586 S.E.2d 669 (2003)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Sweet v. State, 278 Ga. 320, 602 S.E.2d 603 (2004)
- Bales v. State, 277 Ga. 713, 594 S.E.2d 644 (2004)
- State v. LeJeune, 276 Ga. 179, 576 S.E.2d 888 (2003)
- State v. Hall, 276 Ga. App. 769, 624 S.E.2d 298 (2005)

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