

SUPREME COURT OF GEORGIA

Carston v. State

S20A1157 · No. S20A1157 · Decided February 15, 2021

SUMMARY

The Supreme Court of Georgia affirmed Jerry Carston’s convictions for malice murder and related firearm and gang offenses arising from the shooting death of Quinton Williams. The court held that Carston failed to show an unreasonable restriction on cross-examination regarding a witness’s pending felony charges and that video evidence of Williams being beaten into the gang was properly admitted.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Per curiam
JURISDICTION	Georgia
DECIDED	February 15, 2021
DOCKET	S20A1157
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for malice murder, firearm offenses, and violations of the Street Gang Terrorism and Prevention Act.
STANDARD OF REVIEW	The court reviewed the limitation of cross-examination under the Confrontation Clause for whether the trial court imposed an unreasonable restriction; reviewed admission of the video recording for abuse of discretion; and reviewed the unpreserved Rule 403 claim for plain error. Sufficiency was reviewed under the Jackson v. Virginia standard.
PRECEDENTIAL VALUE	published opinion
PARTIES	Jerry Carston v. The State

TOPICS

criminal procedure sixth amendment evidence relevance impeachment

PRACTICE AREAS

criminal law criminal procedure evidence constitutional law

QUESTIONS PRESENTED

1. Whether the trial court violated Carston's Sixth Amendment confrontation rights by unreasonably limiting cross-examination of State witness Corderde'z Robinson about unrelated pending felony charges.
2. Whether the trial court abused its discretion, or committed plain error under Rule 403, by admitting a video of Williams being beaten into the Bishop Bloods gang even though Carston did not appear in the video.
3. Whether the evidence was legally sufficient to support Carston's convictions.

HOLDINGS

1. The trial court did not violate Carston's Confrontation Clause rights because Carston failed to show that the court imposed any actual, much less unreasonable, limitation on questioning Robinson about his pending charges.
2. The trial court properly admitted the video because it was relevant and probative of the existence of the Bishop Bloods gang, Carston's association with the gang, and his motive for killing Williams.
3. The unpreserved Rule 403 challenge did not establish plain error; the video's substantial probative value was not substantially outweighed by unfair prejudice.
4. When viewed in the light most favorable to the verdicts, the evidence was sufficient to authorize a rational jury to find Carston guilty beyond a reasonable doubt.

KEY QUOTATIONS

"The Confrontation Clause does not guarantee "cross-examination that is effective in whatever way, and to whatever extent, the defense might wish,"" (9)

"Rule 403 is an extraordinary remedy, which should be used only sparingly, and the balance should be struck in favor of admissibility." (15)

FACTUAL BACKGROUND

Carston, a fifteen-year-old member of the Bishop Bloods gang, arranged for and participated in the shooting death of Quinton Williams, who had left the gang. Before the murder, Carston received a video depicting Williams being beaten into the gang and responded to the video on Facebook. At trial, the State introduced testimony and evidence concerning the shooting, gang practices, and the video; Carston challenged the scope of cross-examination of witness Corderde'z Robinson and the admission of the video.

PROCEDURAL HISTORY

A Troup County grand jury indicted Carston for malice murder, firearm offenses, and six gang-law violations. After a jury trial from August 21 through 24, 2017, he was convicted on all counts and sentenced to life imprisonment plus consecutive and concurrent terms on the other counts. The trial court denied his amended motion for new trial in December 2019, and Carston timely appealed to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319 (99 SCt 2781, 61 LE2d 560) (1979)
- Vega v. State, 285 Ga. 32, 33 (673 SE2d 223) (2009)
- Davenport v. State, 309 Ga. 385, 399 (846 SE2d 83) (2020)
- Wright v. State, 279 Ga. 498, 499 (614 SE2d 56) (2005)
- Shaw v. State, 301 Ga. 14, 19 (799 SE2d 186) (2017)
- Watkins v. State, 276 Ga. 578, 582-583 (581 SE2d 23) (2003)
- Turtle v. State, 271 Ga. 440, 444 (520 SE2d 211) (1999)
- Hines v. State, 249 Ga. 257, 260 (290 SE2d 911) (1982)
- Anglin v. State, 302 Ga. 333, 335, 336-337 (806 SE2d 573) (2017)
- Middlebrooks v. State, Case No. S21A0381, 2021 WL 375271, at *3 (decided Feb. 1, 2021)
- Jackson v. State, 306 Ga. 706, 710 (832 SE2d 809) (2019)
- Worthen v. State, 306 Ga. 600, 606-607 (832 SE2d 335) (2019)