

SUPREME COURT OF GEORGIA

Johnson v. State

296 Ga. 504 (2015) · No. S14A1933 · Decided February 2, 2015

SUMMARY

The Supreme Court of Georgia affirmed Paul Johnson’s convictions for malice murder and related offenses arising from the shooting death of Craig Porter. The court held that the evidence was sufficient, the medical examiner’s testimony and photographic lineup evidence were properly admitted, and trial counsel was not ineffective for failing to object to portions of the prosecutor’s closing argument.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Blackwell, Justice
JURISDICTION	Georgia
DECIDED	February 2, 2015
DOCKET	S14A1933
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed his Fulton County convictions for malice murder and related offenses, challenging the sufficiency of the evidence, admission of medical-examiner testimony, admission of photographic-lineup identification evidence, and denial of his ineffective-assistance claim.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed in the light most favorable to the verdict under whether a rational trier of fact could find guilt beyond a reasonable doubt. Admission of the medical-examiner testimony was reviewed for abuse of discretion. The photographic-lineup issue was reviewed under the applicable suppression and suggestive-identification standards, with the appellant bearing responsibility for providing a complete record. Ineffective assistance was evaluated under the deficient-performance and prejudice requirements of Strickland.
PRECEDENTIAL VALUE	Published opinion; precedential Supreme Court of Georgia decision.
PARTIES	Paul Johnson v. The State

TOPICS

criminal procedure

evidence

suppression of evidence

ineffective assistance

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

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QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to support Johnson's convictions.
2. Whether the trial court abused its discretion by allowing the medical examiner to testify about the absence of bullet fragments and related ballistic matters.
3. Whether the photographic lineup identifying Johnson was unduly suggestive and improperly admitted.
4. Whether trial counsel was ineffective for failing to object to portions of the prosecutor's closing argument and for failing to investigate or object to the photographic lineup.

HOLDINGS

1. The evidence, viewed in the light most favorable to the verdict, was sufficient for a rational trier of fact to find beyond a reasonable doubt that Johnson committed the crimes of which he was convicted.
2. The trial court did not abuse its discretion by admitting the medical examiner's opinions concerning the bullet's failure to leave fragments in the victim's body and the possible path of a bullet through the vehicle.
3. The trial court properly denied suppression of Smith's photographic identification because the record did not show that the lineup was unduly suggestive, and Johnson failed to provide the transcript of the pretrial hearing necessary for appellate review.
4. Johnson failed to establish ineffective assistance because the prosecutor's challenged closing arguments were permissible comments on the evidence and therefore counsel was not deficient for failing to object.

KEY QUOTATIONS

“the testimony of a single witness is generally sufficient to establish a fact, [and t]he lack of corroboration [with physical evidence] only goes to the weight of the evidence and the credibility of the testifying witness, which is solely within the purview of the jury.” (296 Ga. at 507)

“It is the burden of the appellant to ensure that the record is complete, and “[w]hen this is not done, there is nothing for the appellate court to review.”” (296 Ga. at 510)

“To prevail on a claim of ineffective assistance, Johnson must prove both that the performance of his lawyer was deficient and that he was prejudiced by this deficient performance.” (296 Ga. at 511)

FACTUAL BACKGROUND

In the early morning of April 2, 2004, Craig Porter and Tiana Smith went to a gas station and then to the Columbia Hills Apartments to obtain crack cocaine. After Brent Johnson directed them to the apartment

complex, Paul Johnson approached their vehicle with a firearm and handed Smith crack cocaine; when Porter attempted to drive away without paying, Johnson shot at the vehicle, killing Porter. Smith, Brent, and Erick Owens gave accounts that corroborated one another, and Smith identified Johnson in a photographic lineup. Police also found shell casings near the apartment and drugs inside an apartment frequented by Johnson and others.

PROCEDURAL HISTORY

Johnson was indicted in Fulton County in 2005 and tried before a jury beginning November 5, 2007. The jury returned guilty verdicts on November 13, 2007, and the trial court sentenced him on November 27, 2007. The trial court denied his amended motion for new trial on January 23, 2013. After Johnson filed a timely notice of appeal to the Court of Appeals, the case was transferred to the Supreme Court of Georgia on July 31, 2014. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Malcolm v. State*, 263 Ga. 369, 371-374 (4), (5), 434 S.E.2d 479 (1993)
- *Manuel v. State*, 289 Ga. 383, 385 (1), 711 S.E.2d 676 (2011)
- *Rankin v. State*, 278 Ga. 704, 606 S.E.2d 269 (2004)
- *Jackson v. Virginia*, 443 U.S. 307, 319 (III)(B), 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- *Simmons v. State*, 291 Ga. 705, 706 (1), 733 S.E.2d 280 (2012)
- *Johnson v. Knebel*, 267 Ga. 853, 857-858 (3), 485 S.E.2d 451 (1997)
- *Williams v. State*, 279 Ga. 731, 732 (2), 620 S.E.2d 816 (2005)
- *Nassar v. State*, 253 Ga. 35 (3), 315 S.E.2d 903 (1984)
- *Peters v. State*, 268 Ga. 414, 415 (1), 490 S.E.2d 94 (1997)
- *Howe v. State*, 250 Ga. 811, 813 (2), 301 S.E.2d 280 (1983)
- *Gibson v. State*, 283 Ga. 377, 378-379 (2), 659 S.E.2d 372 (2008)
- *Williams v. State*, 286 Ga. 884, 888 (4)(b), 692 S.E.2d 374 (2010)
- *Williams v. State*, 290 Ga. 533, 536-537 (2)(a), 722 S.E.2d 847 (2012)
- *Williams v. State*, 267 Ga. 771, 775 (3), 482 S.E.2d 288 (1997)
- *Strickland v. Washington*, 466 U.S. 668, 687-688 (III)(A), 694 (III)(B), 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- *Kimmelman v. Morrison*, 477 U.S. 365, 381-382 (II)(C), 106 S. Ct. 2574, 91 L. Ed. 2d 305 (1986)
- *Williams v. Taylor*, 529 U.S. 362, 391 (III), 120 S. Ct. 1495, 146 L. Ed. 2d 389 (2000)
- *Rouse v. State*, 275 Ga. 605, 607 (6), 571 S.E.2d 353 (2002)
- *Moore v. State*, 278 Ga. 397, 400 (2)(e), 603 S.E.2d 228 (2004)
- *Davis v. State*, 285 Ga. 343, 347 (7), 676 S.E.2d 215 (2009)

- Scott v. State, 290 Ga. 883, 889 (7)(a), 725 S.E.2d 305 (2012)

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