

SUPREME COURT OF GEORGIA

Murphy v. The State

Murphy · No. S25A1429 · Decided February 17, 2026

SUMMARY

The Supreme Court of Georgia affirmed Dachavous Murphy’s convictions for felony murder and related offenses arising from the shooting death of Ashley Brown outside a nightclub in Augusta. The court held that alleged statements by Roosevelt Ellison were properly excluded under Georgia’s statements-against-interest and residual hearsay exceptions because they lacked sufficient corroborating circumstances demonstrating trustworthiness. The court also rejected Murphy’s Brady, continuance, and other appellate claims.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Land, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	February 17, 2026
DOCKET	S25A1429
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for felony murder, possession of a firearm during the commission of a crime, criminal damage to property in the first degree, and aggravated assault, following denial of an amended motion for new trial.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. The trial court's factual findings on a Brady claim are reviewed for clear error, while application of law to those facts is reviewed de novo. A properly preserved challenge to jury instructions is reviewed de novo. A ruling on a motion for continuance is reviewed for abuse of discretion and requires a showing of harm for reversal. Ineffective-assistance claims are governed by the Strickland deficient-performance and prejudice standard. The sufficiency of an indictment is not properly challenged by a motion for directed verdict.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential
PARTIES	Dachavous Murphy v. The State

TOPICS

hearsay evidence criminal procedure appellate procedure ineffective assistance

PRACTICE AREAS

criminal law evidence criminal procedure appellate procedure ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding Roosevelt Ellison's statements and related testimony under the statements-against-interest and residual hearsay exceptions.
2. Whether the State violated Brady by failing to disclose an audio recording and notes from an interview with Ted Shelley, and whether the trial court abused its discretion by denying a continuance to investigate Shelley.
3. Whether the trial court's jury instructions concerning presence, companionship, conduct, participation, and criminal intent were erroneous or contradictory.
4. Whether the trial court erred in denying a directed verdict based on an assertedly deficient aggravated-assault indictment that did not identify the victims.
5. Whether trial counsel provided ineffective assistance by failing to call Phillip Korte and Tavares Jones, who reportedly would have testified that the shooter was in a white car.
6. Whether alleged trial errors and counsel's performance cumulatively required a new trial.

HOLDINGS

1. The trial court did not abuse its discretion by excluding Ellison's out-of-court statements because, although Ellison was unavailable and the statements appeared facially against his penal interest, the statements were not supported by corroborating circumstances clearly indicating their trustworthiness.
2. The trial court did not abuse its discretion by excluding Ellison's statements under OCGA § 24-8-807 because the statements lacked equivalent circumstantial guarantees of trustworthiness.
3. Murphy failed to establish a Brady violation because he knew of Shelley's existence more than a month before trial and could have obtained the favorable information through reasonable diligence.
4. The trial court did not abuse its discretion by denying Murphy's request for a continuance to investigate Shelley because Murphy had known of Shelley for more than a month and could have investigated him before trial.
5. The jury instructions, considered as a whole, were accurate and noncontradictory; the trial court's wording and ordering of the instructions did not warrant reversal.
6. The trial court properly denied Murphy's motion for a directed verdict based on the alleged insufficiency of Count 4 because a directed verdict tests the sufficiency of the evidence, not the sufficiency of the indictment.
7. Murphy failed to prove deficient performance because counsel's decision not to call Korte and Jones was a reasonable strategic choice to avoid undermining the primary defense theory.

8. Murphy was not entitled to relief based on cumulative error because he established no trial error and no deficient performance to aggregate.

KEY QUOTATIONS

“Rather, because the State would have no way to cross-examine the non-testifying declarant if these statements were admitted, Rule 804(b)(3)(B) required the trial court to assess and decide whether corroborating circumstances clearly demonstrated the trustworthiness of the content of the hearsay statements before they were admitted, including whether the hearsay statements were fabricated.” (13)

“Evidence is not regarded as ‘suppressed’ by the government when the defendant has access to the evidence before trial by the exercise of reasonable diligence.” (22)

“Here, trial counsel testified that he made the strategic decision to focus on the defense theory that Ellison, not Murphy, was the shooter and believed that to be a stronger defense than the argument that the shot came from a white car, not a dark-colored car, as presenting both defenses might discredit the defense and confuse the jury.” (30-33)

“Because none of Murphy’s claims of error have succeeded and he has not shown that his counsel performed deficiently, “there are no errors to aggregate, and his claim of cumulative error also fails.”” (34)

FACTUAL BACKGROUND

Murphy and Robert Wright went to Club 5150 in Augusta on the night of September 14, 2011. After a fight inside the club, patrons were forced outside, and eyewitnesses testified that Murphy entered a dark-colored vehicle and fired several shots into the crowd; Ashley Brown was struck in the head and died. Murphy gave investigators inconsistent accounts, initially denying that he or Wright fired and later claiming that Roosevelt Ellison was the shooter. At trial, Murphy sought to introduce statements by Ellison allegedly admitting involvement, challenged the State's disclosure of an interview with Ted Shelley, and argued that counsel should have called witnesses who reported seeing the shooter in a white car.

PROCEDURAL HISTORY

A grand jury indicted Murphy on four counts in December 2011. A jury found him guilty on all counts on August 7, 2014, and the trial court imposed consecutive sentences, including life without parole for felony murder. Murphy filed a motion for new trial, later amended, and the trial court denied it on October 26, 2023. The Supreme Court of Georgia docketed the appeal for its August 2025 term and affirmed.

DISPOSITION

affirmed

CASES CITED

- Owens v. State, 303 Ga. 254, 258 (2018)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Miranda v. Arizona, 384 U.S. 436 (1966)

- *Atkins v. State*, 310 Ga. 246, 250 (2020)
- *Shealey v. State*, 308 Ga. 847, 852 (2020)
- *State v. Hamilton*, 308 Ga. 116, 121 (2020)
- *Bolling*, 300 Ga. 698
- *State v. Almanza*, 304 Ga. 553, 558-59 & n.6 (2018)
- *United States v. Bagley*, 537 F.2d 162, 167 (5th Cir. 1976)
- *United States v. Robinson*, 635 F.2d 363, 364 (5th Cir. 1981)
- *United States v. US Infrastructure, Inc.*, 576 F.3d 1195, 1209 (11th Cir. 2009)
- *United States v. Thomas*, 571 F.2d 285, 290 (5th Cir. 1978)
- *United States v. Tipton*, 572 F. App'x 743, 748 (11th Cir. 2014)
- *United States v. Berry*, 496 F. App'x 938, 942 (11th Cir. 2012)
- *State v. Kenney*, 315 Ga. 408, 415 (2023)
- *Kennebrew v. State*, 317 Ga. 324, 335 (2023)
- *Schofield v. Palmer*, 279 Ga. 848, 852 (2005)
- *State v. James*, 292 Ga. 440, 442 (2013)
- *Harris v. State, Harris v. State*, 313 Ga. 653, 664 (2022)
- *Swindle v. State*, 274 Ga. 668, 670 (2002)
- *Mann v. State*, 307 Ga. 696, 703-04 (2020)
- *Campbell v. State*, 320 Ga. 333, 347 (2024)
- *Pruitt v. State*, 282 Ga. 30, 33 (2007)
- *Baker v. State*, 320 Ga. 156, 161 (2024)
- *Adkins v. State*, 279 Ga. 424, 426 (2005)
- *Strickland v. Washington*, 466 U.S. 668, 687 (1984)
- *Wilson v. State*, 313 Ga. 319, 322 (2022)
- *Palmer v. State*, 303 Ga. 810, 816 (2018)
- *Roberts v. State*, 296 Ga. 719, 724 (2015)
- *State v. Lane*, 308 Ga. 10 (2020)
- *O'Neal v. State*, 316 Ga. 264, 271 (2023)
- *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)