

SUPREME COURT OF GEORGIA

Merritt v. State, 285 Ga. 778

683 S.E.2d 855 (2009) · No. S09A1088 · Decided September 28, 2009

SUMMARY

The Supreme Court of Georgia affirmed Carolyn Merritt’s malice-murder conviction and the admission of bankruptcy evidence as relevant to motive. The court reversed her conviction for tampering with evidence, holding that the repositioning of the victim and movement of a pillow did not establish the required intent to obstruct apprehension or prosecution. The judgment was affirmed in part and reversed in part.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice; Hunstein, Chief Justice; All other Justices of the Supreme Court of Georgia
JURISDICTION	Georgia
DECIDED	September 28, 2009
DOCKET	S09A1088
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from the denial of a motion for new trial following convictions for malice murder and related crimes.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether, viewing the evidence in the light most favorable to the verdict, a rational trier of fact could find the defendant guilty beyond a reasonable doubt. For wholly circumstantial evidence, the evidence must exclude every reasonable hypothesis other than guilt; whether reasonable hypotheses have been excluded is ordinarily for the jury.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of Georgia.
PARTIES	Carolyn Merritt v. The State

TOPICS

- evidence
- criminal procedure
- appellate procedure
- bankruptcy

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the circumstantial evidence was sufficient to support Merritt's malice-murder conviction.
2. Whether the evidence was sufficient to prove the intent element of tampering with evidence based on repositioning the victim's body and moving a pillow.
3. Whether evidence of Merritt's bankruptcy was admissible to establish motive despite its possible incidental effect on character.

HOLDINGS

1. The evidence was sufficient to authorize the jury to find Merritt guilty of malice murder beyond a reasonable doubt.
2. The evidence was insufficient to support the tampering conviction because merely repositioning the victim's body and moving the pillow did not, without more, establish the intent to frustrate apprehension or obstruct prosecution.
3. The bankruptcy documents were admissible because they were relevant to establish motive, notwithstanding any incidental reflection on Merritt's character.

KEY QUOTATIONS

“Under the facts of this case, the mere repositioning of the victim or moving of the pillow does not, in and of itself, give rise to an inference that the perpetrator intended to frustrate his or her own apprehension or to obstruct the prosecution.” (285 Ga. at 780)

“While it is true the State need not prove motive in a murder trial, evidence of motive is always relevant to establishing such a charge.” (285 Ga. at 781)

FACTUAL BACKGROUND

Merritt's husband was shot in the back of the head at home and died two weeks later from complications. The State presented evidence that Merritt had threatened the victim, stood to benefit from his life-insurance policies, had concealed serious financial problems including a Chapter 13 bankruptcy, could not account for approximately thirty minutes after leaving a bank, and owned a recently fired pistol of the type used in the shooting. The victim's body and a pillow were repositioned after the shooting, but the State offered no evidence explaining why those movements were intended to obstruct apprehension or prosecution.

PROCEDURAL HISTORY

A Ben Hill County grand jury indicted Merritt for malice murder, felony murder, aggravated assault, possession of a firearm during the commission of a crime, and tampering with evidence. After a jury trial, she was convicted on all charges; the trial court imposed a life sentence for malice murder, a consecutive five-year sentence for firearm possession, and a concurrent five-year sentence for tampering. The felony-murder count was vacated by

operation of law, the aggravated-assault count merged for sentencing, and the trial court denied Merritt's motion for new trial. The Supreme Court of Georgia affirmed the murder-related rulings and reversed the tampering conviction.

DISPOSITION

reversed

CASES CITED

- Smith v. State, 257 Ga. 381, 359 S.E.2d 662 (1987)
- White v. State, 253 Ga. 106, 317 S.E.2d 196 (1984)
- Lindsey v. State, 271 Ga. 657, 522 S.E.2d 459 (1999)
- White v. State, 263 Ga. 94, 428 S.E.2d 789 (1993)
- Berryhill v. State, 285 Ga. 198, 674 S.E.2d 920 (2009)
- Bryant v. State, 282 Ga. 631, 651 S.E.2d 718 (2007)
- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Phillips v. State, 242 Ga. App. 404, 530 S.E.2d 1 (2000)
- Young v. State, 281 Ga. 750, 642 S.E.2d 806 (2007)
- Johnson v. State, 260 Ga. 457, 396 S.E.2d 888 (1990)
- Malcolm v. State, 263 Ga. 369, 434 S.E.2d 479 (1993)
- Tennessee v. Chestnut, 643 S.W.2d 343, 348 (Tenn. Crim. App. 1982)