

SUPREME COURT OF GEORGIA

Smith v. State

297 Ga. 214 (2015) · No. S15A0296 · Decided June 1, 2015

SUMMARY

The Supreme Court of Georgia affirmed Ricky Smith’s convictions for malice murder, aggravated assault, and firearm offenses arising from the shooting of his brother and the fatal shooting of his wife. The court rejected claims concerning speedy trial, evidentiary instructions, an unauthorized pro se filing, and ineffective assistance of counsel. All justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice; All Justices
JURISDICTION	Georgia
DECIDED	June 1, 2015
DOCKET	S15A0296
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions following a jury trial and the denial of a motion for new trial.
STANDARD OF REVIEW	Sufficiency of the evidence was reviewed under whether any rational trier of fact could find the defendant guilty beyond a reasonable doubt. Unpreserved instructional error was reviewable only for plain error. Ineffective-assistance claims were reviewed by accepting factual findings and credibility determinations unless clearly erroneous and independently applying legal principles to the facts.
PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Georgia.
PARTIES	Ricky Smith v. The State

TOPICS

- ineffective assistance
- speedy trial
- criminal procedure
- hearsay
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Smith's convictions.
2. Whether the trial court improperly discussed the admissibility of prior-difficulty evidence in front of the jury.
3. Whether the trial court gave inadequate limiting instructions concerning prior difficulties and the necessity exception to hearsay.
4. Whether the trial court erred by failing to act on Smith's pro se speedy-trial letter while he was represented by counsel.
5. Whether trial counsel was ineffective for failing to file a speedy-trial demand, obtain telephone and medical records, and call certain witnesses.

HOLDINGS

1. The evidence was sufficient to support Smith's convictions because a rational trier of fact could find him guilty beyond a reasonable doubt.
2. Smith waived appellate review of his claim concerning the trial court's conversation about the admissibility of prior-difficulty evidence because he did not object.
3. The trial court did not commit reversible error in its limiting instructions because it gave the pattern charge on prior difficulties, and the necessity instruction adequately explained the doctrine and the jury's role.
4. The trial court was not required to act on Smith's pro se speedy-trial letter because a criminal defendant represented by counsel may not simultaneously proceed pro se.
5. Smith failed to establish ineffective assistance of counsel because he did not prove deficient performance and resulting prejudice as required by Strickland.

KEY QUOTATIONS

"A criminal defendant in Georgia does not have the right to represent himself and also be represented by an attorney, and pro se filings by represented parties are therefore unauthorized and without effect." (216)

"Whether to file a demand for speedy trial is usually a matter of trial tactics and strategy, as a delay in bringing the case to trial may work to a defendant's advantage." (217)

FACTUAL BACKGROUND

Smith, a convicted felon, argued with his brother, Steven, at the home where Smith was staying. After Steven told Smith's wife, Tajuana Stroud, that Smith was having an affair, Stroud went to confront Smith, and Steven later repeated the accusation. Smith shot Steven in the shoulder, then shot Stroud five times after an initial attempted shot failed, killing her.

PROCEDURAL HISTORY

Smith was indicted for malice murder, felony murder, aggravated assault, firearm-possession offenses, and possession of a firearm by a convicted felon. Following a March 2012 jury trial, he was convicted on all counts; the trial court imposed life imprisonment plus consecutive terms for aggravated assault and firearm possession, merged one aggravated-assault count, and vacated the felony-murder count by operation of law. The trial court denied Smith's amended motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- *Malcolm v. State*, 263 Ga. 369 (4) (434 SE2d 479) (1993)
- *Jackson v. Virginia*, 443 U.S. 307 (1979)
- *Smith v. State*, 284 Ga. 304 (4) (667 SE2d 65) (2008)
- *Holloman v. State*, 293 Ga. 151 (2) (744 SE2d 59) (2013)
- *Tolbert v. Toole*, 296 Ga. 357, 363 (3) (767 SE2d 24) (2014)
- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Fuller v. State*, 277 Ga. 505 (3) (591 SE2d 782) (2004)
- *Robinson v. State*, 277 Ga. 75, 76 (586 SE2d 313) (2003)
- *Wright v. State*, 291 Ga. 869, 870 (2) (734 SE2d 876) (2012)
- *Jones v. State*, 296 Ga. 561, 569 (6) (769 SE2d 307) (2015)
- *White v. State*, 293 Ga. 825, 827-828 (2) (c) (750 SE2d 165) (2013)
- *Crowder v. State*, 294 Ga. 167, 169 (3) (751 SE2d 334) (2013)