

SUPREME COURT OF GEORGIA

Williams v. State, 280 Ga. 297

627 S.E.2d 32 (2006) · No. S06A0544 · Decided February 27, 2006

SUMMARY

The Supreme Court of Georgia affirmed Johnny Mack Williams's convictions for felony murder, aggravated assault, and possession of a knife during the commission of a felony arising from a fatal stabbing. The court rejected challenges to the jury instructions and found the evidence sufficient under *Jackson v. Virginia*. It remanded the case for an evidentiary hearing on Williams's claim of ineffective assistance of trial counsel because the claim was raised at the earliest practicable moment.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice
JURISDICTION	Georgia
DECIDED	February 27, 2006
DOCKET	S06A0544
DISPOSITION	other
PROCEDURAL POSTURE	Williams appealed from the denial of his amended motion for new trial following convictions for felony murder, aggravated assault, and possession of a knife during the commission of a felony. The Supreme Court of Georgia affirmed the convictions but remanded for an evidentiary hearing on the claim of ineffective assistance of trial counsel.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under whether a rational trier of fact could find the essential elements of the offenses beyond a reasonable doubt. The jury-instruction claims were reviewed for reversible error. The ineffective-assistance claim required remand for an evidentiary hearing because the trial court had dismissed the motion for lack of jurisdiction after the notice of appeal was filed.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Johnny Mack Williams v. The State

TOPICS

criminal procedure

ineffective assistance

appellate procedure

post-conviction relief

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support convictions for felony murder, aggravated assault, and possession of a knife during the commission of a felony.
2. Whether the trial court failed to instruct the jury that voluntary manslaughter was a lesser included offense of felony murder.
3. Whether the trial court committed reversible error by recharging the jury on voluntary manslaughter and including language concerning an interval between provocation and killing.
4. Whether Williams was entitled to a remand for an evidentiary hearing on his claim that trial counsel provided ineffective assistance.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Williams guilty beyond a reasonable doubt of felony murder, aggravated assault, and possession of a knife during the commission of a felony.
2. The record did not support Williams's contention that the trial court failed to charge that voluntary manslaughter was a lesser included offense of felony murder.
3. The trial court did not commit reversible error by including in its second voluntary-manslaughter instruction the language that a killing after an interval between provocation and killing may be considered revenge and punished as murder.
4. Remand was required for the trial court to conduct an evidentiary hearing on Williams's ineffective-assistance-of-trial-counsel claim.

KEY QUOTATIONS

“Under the circumstances, where appellate counsel did not have an opportunity to raise the ineffectiveness of appellant's trial counsel, and where the issue is raised at the earliest practicable moment, remand is required for the trial court to conduct an evidentiary hearing on the claim.” (at 298)

FACTUAL BACKGROUND

Williams confronted Randy Marshall outside a convenience store after making a comment to Marshall's wife. Witnesses saw Williams fight with Marshall, saw Marshall fall, and saw Williams fold a knife and place it in his pocket. Williams later told police, "Yeah, I stabbed him. I hope he . . . dies. He shouldn't have been messing with me." Marshall died several days later from a stab wound that perforated his heart.

PROCEDURAL HISTORY

Williams was indicted in Chatham County for malice murder, felony murder, aggravated assault, and possession of a knife during the commission of a felony. A jury acquitted him of malice murder but convicted him of the remaining charges, and he was sentenced to life imprisonment for felony murder and a consecutive five-year term for the possession charge. After the trial court denied his amended motion for new trial, Williams appealed; the Supreme Court affirmed the convictions and remanded the ineffective-assistance claim because appellate counsel raised it at the earliest practicable opportunity after obtaining the case.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was remanded to the trial court to conduct an evidentiary hearing on Williams's claim that trial counsel was ineffective.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)
- Miner v. State, 268 Ga. 67(2), 485 S.E.2d 456 (1997)
- Bridges v. State, 279 Ga. 351(10), 613 S.E.2d 621 (2005)
- Glover v. State, 266 Ga. 183(2), 465 S.E.2d 659 (1996)