

SUPREME COURT OF GEORGIA

Cutrer v. State, 287 Ga. 272

695 S.E.2d 597 (2010) · No. S10A0324 · Decided June 7, 2010

SUMMARY

The Supreme Court of Georgia affirmed Richard Cutrer’s convictions for malice murder, armed robbery, and theft by taking arising from the killing of Zaran Watts. The court held that the circumstantial evidence, including Cutrer’s possession and sale of the victim’s property, the victim’s cause of death, and a cellmate’s testimony, was sufficient for a rational jury to find guilt beyond a reasonable doubt.

CASE DETAILS

|                       |                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Georgia                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Benham, Justice; All the Justices                                                                                                                                                                                             |
| JURISDICTION          | Georgia                                                                                                                                                                                                                       |
| DECIDED               | June 7, 2010                                                                                                                                                                                                                  |
| DOCKET                | S10A0324                                                                                                                                                                                                                      |
| DISPOSITION           | affirmed                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Defendant appealed convictions for malice murder, armed robbery, and two counts of theft by taking after a jury trial. The Supreme Court of Georgia reviewed the denial of his motion for a new trial.                        |
| STANDARD OF REVIEW    | On a challenge to the sufficiency of the evidence, the evidence is viewed in the light most favorable to the verdict to determine whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt. |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Supreme Court of Georgia                                                                                                                                                                |
| PARTIES               | Richard Cutrer v. State                                                                                                                                                                                                       |

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review
- burden of proof

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate procedure
- evidence

## QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Cutrer's conviction for armed robbery.
2. Whether the evidence was sufficient to support Cutrer's conviction for malice murder.

## HOLDINGS

1. The evidence, viewed in the light most favorable to the verdict, was sufficient for a rational jury to find Cutrer guilty beyond a reasonable doubt of armed robbery and malice murder.

## KEY QUOTATIONS

*“The relevant inquiry on appeal challenging the sufficiency of the evidence is whether the evidence, viewed in a light most favorable to the verdict, would authorize a rational trier of fact to find appellant guilty beyond a reasonable doubt of the crimes for which he is charged.”* (695 S.E.2d at 599)

*“To warrant a conviction [based] on circumstantial evidence, the proved facts shall not only be consistent with the hypothesis of guilt, but shall exclude every other reasonable hypothesis save that of the guilt of the accused.”* (695 S.E.2d at 599)

## FACTUAL BACKGROUND

Zaran Watts disappeared shortly after receiving approximately \$18,000 from the sale of inherited land, and Cutrer, who lived with Watts, continued using Watts's home, vehicles, cash, and personal property. Authorities later found Watts's body in a chest freezer in his home; the medical examiner attributed the death to blunt-force trauma, and a blood-stained mallet was found in the house. A jail cellmate testified that Cutrer confessed to killing Watts after an argument about money for methamphetamine, placing the body in the freezer, and taking Watts's money.

## PROCEDURAL HISTORY

A Coffee County grand jury indicted Cutrer for malice murder, felony murder, armed robbery, and two counts of theft by taking. Following a March 2007 jury trial, he was convicted on all counts except felony murder and received consecutive sentences, including life imprisonment for malice murder and armed robbery. His motion for a new trial was denied in August 2009, and he appealed; the case was decided on the briefs because neither party requested oral argument.

## DISPOSITION

affirmed

## CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Yeager v. State, 281 Ga. 1, 2(1), 635 S.E.2d 704 (2006)
- Sims v. State, 278 Ga. 587(1), 604 S.E.2d 799 (2004)
- Bibbs v. State, 275 Ga. 659, 571 S.E.2d 770 (2002)

