

SUPREME COURT OF GEORGIA

Owens v. The State

S25A1229 (Ga. Feb. 17, 2026) · No. S25A1229 · Decided February 17, 2026

SUMMARY

The Supreme Court of Georgia held that the trial court clearly erred by instructing the jury that guilty verdicts for involuntary manslaughter based on reckless conduct and intent-based offenses were mutually exclusive. The error was harmful as to Maria Owens’s felony murder conviction because it may have led the jury to choose felony murder instead of involuntary manslaughter, so that conviction was reversed and retrial was permitted. The court left the child-cruelty conviction undisturbed but vacated its sentence pending resolution of the felony murder charges.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Bethel, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	February 17, 2026
DOCKET	S25A1229
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of Owens's amended motion for new trial following her 2020 retrial convictions for two counts of felony murder, aggravated assault, and first-degree child cruelty.
STANDARD OF REVIEW	Plain-error review under OCGA § 17-8-58(b); the court also reviewed the record de novo when evaluating whether the instructional error affected the retrial. Sufficiency of the evidence was reviewed under whether any rational trier of fact could have found the defendant guilty beyond a reasonable doubt, viewing the evidence in the light most favorable to the verdicts.
PRECEDENTIAL VALUE	published
PARTIES	Maria Owens v. The State

TOPICS

- jury instructions
- criminal procedure
- appellate procedure
- harmless error
- sentencing

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

jury instructions

sentencing

QUESTIONS PRESENTED

1. Whether the trial court plainly erred by instructing the jury that it could not find Owens guilty of involuntary manslaughter based on reckless conduct and also guilty of aggravated assault and first-degree child cruelty because the offenses involved different mental states.
2. Whether the law-of-the-case doctrine required the trial court to apply the mutually-exclusive-mental-states rule from Owens's first appeal.
3. Whether the instructional error was harmful under the plain-error standard and required reversal of the felony murder convictions.
4. Whether constitutionally sufficient evidence supported retrial on the felony murder counts.
5. Whether the aggravated-assault and child-cruelty verdicts and the sentence on the child-cruelty conviction remained valid after reversal of the felony murder convictions.

HOLDINGS

1. The trial court plainly erred by instructing the jury that it could not find Owens guilty of involuntary manslaughter based on reckless conduct and also guilty of aggravated assault and first-degree child cruelty. Multiple guilty verdicts based on varying levels of mens rea are not categorically mutually exclusive when the more culpable mental state does not negate the less culpable mental state.
2. The law-of-the-case doctrine did not require the trial court to apply the superseded mutually-exclusive-mental-states rule from Owens's first appeal.
3. The instructional error was clear and obvious, affected the outcome of the retrial, and seriously affected the fairness, integrity, and public reputation of the judicial proceedings; therefore, Owens established plain error as to the felony murder convictions.
4. The evidence was constitutionally sufficient to support guilty verdicts for felony murder predicated on first-degree child cruelty and aggravated assault, so the State may retry Owens on both felony murder counts.
5. The felony murder verdicts were reversed; the aggravated-assault verdict unmerged and remained unaffected; the child-cruelty conviction remained undisturbed, but its sentence was vacated because sentencing depended on the ultimate disposition of the felony murder counts and potential merger issues.

KEY QUOTATIONS

“But “convictions for both an offense requiring criminal intent and an offense requiring a lesser mens rea, based on the same act against the same victim, are not mutually exclusive.”” (11-12)

“Accordingly, the trial court clearly and obviously erred by instructing the jury that it could not find Owens guilty of involuntary manslaughter based on reckless conduct as well as aggravated assault and child cruelty.” (14)

“there is a reasonable probability that—but for the trial court’s error—the jury would have found Owens guilty of involuntary manslaughter rather than felony murder.” (19)

“Last time, we used a sledgehammer and did so incorrectly. We now attempt a more precise approach.” (35)

FACTUAL BACKGROUND

On the morning of Jaylen Kelly's death, his parents left the eleven-month-old child in Owens's care. Jaylen appeared healthy and was walking and playing normally, but within a few hours he experienced breathing difficulties, was taken to the hospital, and died after suffering severe blunt-force trauma to his torso and spine. Owens told police that she had lifted Jaylen by one arm and patted or hit him on the side while he was congested; medical testimony established that the injury was fatal, inflicted by a very hard blow, and would ordinarily have prevented him from walking.

PROCEDURAL HISTORY

Owens was first convicted in 2013, and the Supreme Court of Georgia reversed all convictions in *State v. Owens*, 296 Ga. 205 (2014), under the then-existing mutually-exclusive-mental-states rule. She was retried in January 2020 and again convicted of two counts of felony murder, aggravated assault, and first-degree child cruelty. The trial court denied her amended motion for new trial on April 23, 2025. The Supreme Court of Georgia held that the trial court plainly erred in instructing the jury that negligence and intent verdicts were mutually exclusive, reversed both felony murder verdicts, left the child-cruelty conviction undisturbed, vacated its sentence, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The State may retry Owens on both felony murder counts. The trial court must address the unmerged aggravated-assault verdict and determine whether and how to sentence on the aggravated-assault and child-cruelty counts depending on the disposition of the felony murder counts and any resulting merger issues. The child-cruelty sentence is vacated.

CASES CITED

- *State v. Owens*, 296 Ga. 205, 205-12 (2014)
- *Springer v. State*, 297 Ga. 376, 376-83 (2015)
- *Jackson v. State*, 276 Ga. 408, 410, 413 (2003)
- *Booth v. State*, 311 Ga. 374, 374-77 (2021)
- *Shah v. State*, 300 Ga. 14, 19, 22 (2016)
- *State v. Mizell*, 288 Ga. 474, 478 (2011)
- *Currid v. DeKalb State Court Probation Department*, 285 Ga. 184, 186 n.5 (2009)
- *Slakman v. State*, 280 Ga. 837, 841 (2006)

- Hicks v. McGee, 289 Ga. 573, 578-79 (2011)
- Dees v. State, 322 Ga. 498, 500-01 (2025)
- Hampton v. State, 302 Ga. 166, 167-68 (2017)
- Stepp-McCommons v. State, 309 Ga. 400, 405-06 (2020)
- Guajardo v. State, 290 Ga. 172, 175-76 (2011)
- Stanbury v. State, 299 Ga. 125, 129-31 (2016)
- Cheddersingh v. State, 290 Ga. 680, 682, 684, 686 (2012)
- Hill v. State, 321 Ga. 177, 181-82 (2025)
- Lyman v. State, 301 Ga. 312, 318 (2017)
- Johnson v. State, 316 Ga. 672, 688 (2023)
- Merritt v. State, 311 Ga. 875, 885 (2021)
- Foster v. State, 322 Ga. 425, 429-30 (2025)
- Whisnant v. State, 322 Ga. 253, 258 (2025)
- Williams v. State, 299 Ga. 447, 448-49 (2016)
- Hinkson v. State, 310 Ga. 388, 389-91 (2020)
- Schmitt v. State, 318 Ga. 835, 846-47 (2024)
- McIver v. State, 314 Ga. 109, 142 (2022)
- Bostic v. State, 32 Ga. 688, 694 (2025)
- Price v. Bradford, 5 Ga. 364, 371 (1848)
- United States v. Irons, 31 F.4th 702, 711-15 (9th Cir. 2022)
- Piette v. United States, 45 F.4th 1142, 1162-64 (10th Cir. 2022)
- United States v. Simpson, 845 F.3d 1039, 1060-63 (10th Cir. 2017)
- United States v. Stansfield, 101 F.3d 909, 919-22 (3d Cir. 1996)
- White v. State, 305 Ga. 111, 125 (2019) (Bethel, J., concurring specially)
- Puckett v. United States, 556 U.S. 129, 142 (2009)
- United States v. Olano, 507 U.S. 725, 736 (1993)
- Doyle v. State, 307 Ga. 609, 614-15 (2020)
- Allaben v. State, 299 Ga. 253, 257 n.6 (2016)
- Brundage v. State, 320 Ga. 721, 731-32 (2025)
- Hinton v. State, 304 Ga. 605, 608 (2018)
- Scott v. State, 306 Ga. 507, 509 (2019)
- Welbon v. State, 304 Ga. 729, 730 n.2 (2018)
- Wilson v. State, 322 Ga. 76, 77 n.1 (2025)
- Welch v. State, Welch v. State, 306 Ga. 470, 473 n.5 (2019)
- State v. Kelly, 290 Ga. 29, 33 (2011)
- Pindling v. State, 311 Ga. 232, 237 (2021)
- Flores v. State, 277 Ga. 780, 785 n.4 (2004)

- United States v. Powell, 469 U.S. 57, 64 (1984)

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