

SUPREME COURT OF GEORGIA

Hill v. Williams

296 Ga. 753 (2015) · No. S14A1352 · Decided March 27, 2015

SUMMARY

The Supreme Court of Georgia affirmed the denial of Torrey Hill’s habeas corpus petition challenging his statutory rape conviction. The court assumed that statutory rape was not a lesser included offense of forcible rape but held that the indictment as a whole provided constitutionally adequate notice because it alleged the elements of statutory rape and supported its inclusion in other charged offenses. The court also held that Hill failed to demonstrate prejudice or a substantial denial of due process.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Blackwell, Justice; Hunstein, Justice
JURISDICTION	Georgia
DECIDED	March 27, 2015
DOCKET	S14A1352
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a state habeas corpus petition challenging a statutory-rape conviction on constitutional due-process notice and prejudice grounds.
STANDARD OF REVIEW	A state habeas writ is available only for an error that worked a substantial denial of a constitutional right; the court reviewed whether the indictment provided constitutionally adequate notice and whether Hill demonstrated prejudice.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Georgia opinion
PARTIES	Torrey Hill v. Williams

TOPICS

- state post-conviction relief
- due process
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

state post-conviction relief

criminal procedure

constitutional law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether Hill's statutory-rape conviction could be challenged in state habeas proceedings as a substantial denial of constitutional due process based on alleged statutory-law error concerning lesser included offenses.
2. Whether the indictment, read as a whole, provided constitutionally adequate notice that Hill could be convicted of statutory rape.
3. Whether Hill demonstrated prejudice from the alleged lack of notice sufficient to establish a substantial denial of due process.

HOLDINGS

1. A misapplication of Georgia statutory or common law, without a substantial denial of a constitutional right, does not warrant state habeas relief; therefore, Hill had to establish a constitutional due-process violation.
2. The indictment, read as a whole and across its multiple counts, alleged the facts essential to statutory rape and provided Hill constitutionally adequate notice that he could be convicted of that offense.
3. Hill failed to show prejudice sufficient to establish a substantial denial of due process because his actual defense denied any sexual intercourse, and that defense would have applied equally to statutory rape and the other charged sex offenses.

KEY QUOTATIONS

“due process requires that an indictment “put the defendant on notice of the crimes with which he is charged and against which he must defend.”” (at 9)

“Convictions are no longer reversed because of minor and technical deficiencies which did not prejudice the accused.” (at 10)

FACTUAL BACKGROUND

In 1998, Torrey Hill was tried on an indictment charging forcible rape and several other offenses involving fourteen-year-old A. G. The indictment did not expressly name statutory rape, but it alleged sexual intercourse, A. G.'s age, and facts implying that Hill and A. G. were unmarried. The trial court instructed the jury on statutory rape as a lesser included offense of forcible rape, and the jury acquitted Hill of forcible rape but convicted him of statutory rape and other crimes. Hill argued in habeas that the instruction deprived him of due process because he lacked notice of the statutory-rape charge and could not adjust his defense, but the record showed that his actual defense denied any sexual contact whatsoever.

PROCEDURAL HISTORY

Hill was convicted by a Houston County jury of statutory rape and other offenses after the trial court instructed the jury that statutory rape was a lesser included offense of forcible rape. The Georgia Court of Appeals affirmed the convictions in *Hill v. State*. After the Court of Appeals later held in *Stuart v. State* that statutory rape is never included in forcible rape, Hill filed a state habeas petition. The habeas court denied relief, the Supreme Court of Georgia granted Hill's application for a certificate of probable cause, and the court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Hill v. State*, 295 Ga. App. 360 (671 S.E.2d 853) (2008)
- *Stuart v. State*, 318 Ga. App. 839 (734 S.E.2d 814) (2012)
- *Mangrum v. State*, 285 Ga. 676, 680 (5) (681 S.E.2d 130) (2009)
- *Bruce v. Smith*, 274 Ga. 432, 435 (3) (553 S.E.2d 808) (2001)
- *Parker v. Abernathy*, 253 Ga. 673, 674 (324 S.E.2d 191) (1985)
- *Drinkard v. Walker*, 281 Ga. 211 (636 S.E.2d 530) (2006)
- *McCrary v. State*, 252 Ga. 521, 524 (314 S.E.2d 662) (1984)
- *Maynard v. State*, 290 Ga. App. 403, 405 (2) (659 S.E.2d 831) (2008)
- *Burke v. State*, 316 Ga. App. 386, 388 (1)(a) (729 S.E.2d 531) (2012)
- *Andrews v. State*, 200 Ga. App. 47, 47-48 (1) (406 S.E.2d 801) (1991)
- *Reynolds v. State*, 257 Ga. 725, 725 (363 S.E.2d 249) (1988)
- *Patterson v. State*, 233 Ga. App. 776, 776 (1) (505 S.E.2d 518) (1998)
- *Wallace v. State*, 228 Ga. App. 686, 687 (1) (492 S.E.2d 595) (1997)
- *Lewis v. State*, 283 Ga. 191, 196 (6) (657 S.E.2d 854) (2008)
- *Rumble v. Smith*, 905 F.2d 176, 179 (8th Cir. 1990)
- *Russell v. United States*, 369 U.S. 749, 763 (1962)
- *Givens v. State*, 149 Ga. App. 83, 85 (253 S.E.2d 447) (1979)
- *Williams v. Haviland*, 467 F.3d 527, 535 (6th Cir. 2006)
- *Chandler v. Moscicki*, 253 F. Supp. 2d 478, 488 (W.D.N.Y. 2003)

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