

SUPREME COURT OF GEORGIA

Wornum v. State, 285 Ga. 168

674 S.E.2d 876 (2009) · No. S09A0300 · Decided March 9, 2009

SUMMARY

The Supreme Court of Georgia affirmed Christian Wornum’s convictions for murder, felony murder, aggravated assault, and possession of a firearm during the commission of a crime. The court held that the evidence was sufficient to support the convictions and that gang-related evidence, including notebooks seized from Wornum’s residence, was properly admitted to show motive.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice
JURISDICTION	Georgia
DECIDED	March 9, 2009
DOCKET	S09A0300
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wornum appealed his convictions for murder, felony murder, aggravated assault, and possession of a firearm during the commission of a crime, challenging the sufficiency of the evidence and the admission of gang-related evidence.
STANDARD OF REVIEW	The evidence was viewed in the light most favorable to the verdict, and the sufficiency question was whether a rational trier of fact could find guilt beyond a reasonable doubt. The admission of gang-related evidence was reviewed for error in the trial court's relevance and prejudice determination.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Christian Wornum v. State

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Wornum's convictions under the beyond-a-reasonable-doubt standard.
2. Whether the trial court erred by admitting gang-related evidence and expert testimony concerning the gang notebooks to show motive, despite the incidental effect of placing Wornum's character in evidence.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Wornum guilty beyond a reasonable doubt of the charged crimes.
2. Evidence of Wornum's gang affiliation and knowledge of gang structure, including the gang notebooks and related expert testimony, was relevant and admissible to show motive even though it incidentally placed his character in evidence.

FACTUAL BACKGROUND

An eyewitness who knew Wornum identified him as the shooter after the victim was approached from behind and shot several times in the back of the head. During execution of a search warrant at Wornum's residence, officers seized notebooks containing gang names and symbols, murder-related codes, and information about gang rank and advancement through criminal activity. The State argued that Wornum committed the charged crimes to improve his status within the gang.

PROCEDURAL HISTORY

A Cobb County grand jury indicted Wornum on June 1, 2007. After a jury trial, he was convicted of murder, felony murder based on aggravated assault, aggravated assault, and possession of a firearm during the commission of a felony. The trial court sentenced him to life imprisonment plus five years; the felony-murder and aggravated-assault convictions were vacated and merged. His motion for new trial was denied, and he appealed to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Willoughby v. State, 280 Ga. 176, 626 S.E.2d 112 (2006)
- Edge v. State, 275 Ga. 311(3), 567 S.E.2d 1 (2002)
- Mitchell v. State, 275 Ga. 42, 43(2), 561 S.E.2d 803 (2002)

OPINION

THOMPSON, J.

674 S.E.2d 876 (2009) *WORNUM v. The STATE*. No. S09A0300. Supreme Court of Georgia. March 9, 2009. Louis M. Turchiarelli, Marietta, for appellant. Thurbert E. Baker, Atty. Gen., John Richard Edwards, Dana J. Norman, Erman Joseph Tanjuatco, Asst. Dist. Attys., Patrick H. Head, Dist. Atty., Sheila Elizabeth Gallow, Asst. Atty. Gen., for appellee. THOMPSON, Justice.

Appellant Christian Wornum was convicted of murder, felony murder, aggravated assault *877 and possession of a firearm during the commission of a crime in connection with the shooting death of Darron Harper.[1] On appeal he challenges the sufficiency of the evidence and the admission at trial of gang-related evidence. Finding no error, we affirm. 1. Viewed in the light most favorable to the verdict, the evidence authorized the jury to find that appellant approached the victim from behind and shot him several times in the back of the head.

An eyewitness who knew appellant identified him as the shooter and testified at trial. The evidence was sufficient to authorize a rational trier of fact to conclude appellant was guilty beyond a reasonable doubt of the crimes charged. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). 2. Appellant contends the trial court erred by admitting evidence related to gang activity and allowing an officer with expertise in gangs and gang activity to testify regarding notebooks seized during execution of a search warrant at appellant's residence.

The notebooks contained numerous handwritten pages, including the name of a particular gang and symbols affiliated with the gang, codes used to reference murder, and information regarding the gang's rank structure and how gang members can improve their rank within the gang by committing crimes.

The State's theory was that appellant committed the crimes in order to improve his status or rank within a gang. In admitting the evidence, the trial court determined that the State had shown the evidence was relevant and admissible to show motive and that any prejudicial effect of the evidence was outweighed by its probative value.

We agree. Evidence of appellant's affiliation with a gang and knowledge of the gang structure was relevant and admissible to show motive even if it incidentally placed his character in evidence. See *Willoughby v. State*, 280 Ga. 176, 626 S.E.2d 112 (2006); *Edge v. State*, 275 Ga. 311(3), 567 S.E.2d 1 (2002). Judgment affirmed. All the Justices concur. NOTES [1] The crimes were committed on October 8, 2006.

A Cobb County grand jury indicted Wornum on June 1, 2007, charging him with malice murder, felony murder (two counts), aggravated assault, armed robbery, and possession of a firearm during the commission of a felony.

After a jury trial, Wornum was found guilty of murder, felony murder based on the underlying felony of aggravated assault, aggravated assault and the possession charge. Wornum was sentenced on February 22, 2008 to life in prison on the murder conviction plus five years on the possession conviction.

The felony murder and aggravated assault convictions were vacated and merged. See *Mitchell v. State*, 275 Ga. 42, 43(2), 561 S.E.2d 803 (2002). A motion for new trial was filed on February 28, 2008, amended on May 28, 2008, and denied on June 18, 2008. A notice of appeal was filed on July 15, 2008.

The case was docketed in this Court on November 5, 2008, and orally argued on February 23, 2009.