

SUPREME COURT OF GEORGIA

Locklear v. State

S23A0601 (Ga. Aug. 21, 2023) · No. S23A0601 · Decided August 21, 2023

SUMMARY

The Supreme Court of Georgia affirmed Tony James Locklear’s convictions for malice murder and concealing the death of another. The court held that the evidence was sufficient, that Locklear did not clearly and unambiguously invoke his right to remain silent, and that the trial court did not commit plain error in admitting his custodial statements or using the challenged verdict form. The court also held that the trial court did not abuse its discretion by denying a mistrial based on improper prosecutorial comments during closing argument.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Bethel, Justice
JURISDICTION	Georgia
DECIDED	August 21, 2023
DOCKET	S23A0601
DISPOSITION	affirmed
PROCEDURAL POSTURE	Locklear appealed from the denial of his amended motion for new trial following jury convictions for malice murder, concealing the death of another, and related offenses.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed under whether any rational trier of fact could have found the essential elements beyond a reasonable doubt, viewing the evidence in the light most favorable to the prosecution. The unpreserved Miranda-invocation and verdict-form claims were reviewed for plain error. The denial of a mistrial is reviewed for abuse of discretion, and reversal requires that a mistrial was essential to preserve the defendant's right to a fair trial. The language of a verdict form is reviewed together with the jury instructions as a whole.
PRECEDENTIAL VALUE	published Georgia Supreme Court opinion
PARTIES	Tony James Locklear v. The State

TOPICS

criminal procedure

miranda rights

suppression of evidence

jury instructions

prosecutorial misconduct

PRACTICE AREAS

criminal law

criminal procedure

appellate litigation

evidence

QUESTIONS PRESENTED

1. Whether the evidence was constitutionally sufficient to support the malice-murder and concealing-the-death convictions.
2. Whether Locklear unambiguously and unequivocally invoked his Fifth Amendment right to remain silent before or during custodial questioning.
3. Whether the physical evidence from the search of Locklear's tent had to be suppressed because the search warrant was allegedly premised on statements obtained after an invocation of the right to remain silent.
4. Whether the preprinted verdict form improperly confused the jury concerning mitigation, passion or provocation, and the burden of proof.
5. Whether the prosecutor's improper closing-argument comments required a mistrial.

HOLDINGS

1. The evidence was sufficient under *Jackson v. Virginia* to support both convictions. The jury was entitled to reject Locklear's self-defense and heat-of-passion theories, and the evidence showed that he hindered discovery of Long's death despite eventually telling police where the body was located.
2. Locklear did not clearly and unambiguously invoke his right to remain silent by stating, 'Bill came by yesterday, okay, that's as far as I'm going with it,' or by declining to answer subsequent questions. Because the trial court did not rule on this ground and Locklear did not preserve it at trial, the claim was reviewed for plain error and failed.
3. The challenge to the physical evidence failed because it depended on the alleged *Miranda* violation, and the court held that Locklear did not invoke his right to remain silent.
4. The verdict form's insertion of the phrase 'beyond a reasonable doubt' in the mitigation language was inartful and potentially confusing when read alone, but it did not constitute plain error because the form and the instructions, considered as a whole, correctly conveyed the State's burden and did not likely affect the outcome.
5. The trial court did not abuse its discretion by denying a mistrial after the prosecutor made improper comments concerning Locklear's wheelchair, community sentiment, and the consequences of a voluntary-manslaughter verdict.

KEY QUOTATIONS

"Police must scrupulously honor a suspect's right to remain silent if the person clearly and unambiguously

states that he wants to end a custodial interrogation.” (at 11)

“Because Locklear did not unambiguously and unequivocally invoke his right to remain silent, the officers at the scene and, later, at the police station, had no obligation to stop questioning him.” (at 13)

“The trial court twice asked whether the jurors understood that instruction, and the jurors responded affirmatively both times.” (at 18)

FACTUAL BACKGROUND

William Long, age 82, disappeared after leaving for work on October 13, 2018. Locklear was found near Long's abandoned truck and later described events leading to Long's death, directed police to Long's body, and acknowledged having blackouts and having 'f**ked up.' Long's body had suffered 21 sharp and blunt force injuries and had been wrapped, tied, and covered with debris; searches of Locklear's tent found twine matching the bindings, a blood-stained knife bearing Long's DNA, and a screwdriver consistent with one of the wounds. Locklear relied on statements from his custodial interview to assert self-defense based on an alleged attempted aggravated oral sodomy, but he presented no testimony or other evidence.

PROCEDURAL HISTORY

A Chatham County grand jury indicted Locklear on January 9, 2019. After a November 2019 jury trial, he was convicted of all counts; the trial court sentenced him as a recidivist to life imprisonment for malice murder and a consecutive ten-year term for concealing the death of another. The felony-murder count was vacated by operation of law, and aggravated assault merged into the malice-murder conviction. The trial court denied Locklear's amended motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Corley v. State, 308 Ga. 321, 322 (1)(a), 840 S.E.2d 391 (2020)
- McNair v. State, 296 Ga. 181, 182 (1), 766 S.E.2d 45 (2014)
- Martin v. State, 306 Ga. 538, 541 (1), 832 S.E.2d 402 (2019)
- Ferguson v. State, 297 Ga. 342, 344 (1), 773 S.E.2d 749 (2015)
- White v. State, 287 Ga. 713, 716-717 (1)(c), 699 S.E.2d 291 (2010)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- Jackson v. Denno, 378 U.S. 368 (1964)
- Goins v. State, 310 Ga. 199, 204 (4), 850 S.E.2d 68 (2020)
- Lofton v. State, 309 Ga. 349, 358 (4), 846 S.E.2d 57 (2020)
- Wright v. State, 315 Ga. 459, 462 (3), 883 S.E.2d 294 (2023)
- Causey v. State, 307 Ga. 147, 148-149 (2), 834 S.E.2d 857 (2019)

- Sillah v. State, 315 Ga. 741, 748 (2), 883 S.E.2d 756 (2023)
- Dozier v. State, 306 Ga. 29, 34 (4)(a), 829 S.E.2d 131 (2019)
- Cheley v. State, 299 Ga. 88, 91 (2), 786 S.E.2d 642 (2016)
- Barnes v. State, 287 Ga. 423, 425 (2), 696 S.E.2d 629 (2010)
- Berghuis v. Thompson, 560 U.S. 370, 381 (2010)
- Atkins v. State, 310 Ga. 246, 252 (3), 850 S.E.2d 103 (2020)
- White v. State, 291 Ga. 7, 9 (3), 727 S.E.2d 109 (2012)
- Terry v. State, 291 Ga. 508, 510 (2), 731 S.E.2d 669 (2012)
- Miner v. State, 268 Ga. 67, 68 (4), 485 S.E.2d 456 (1997)
- Johnson v. State, 312 Ga. 481, 490 (3), 863 S.E.2d 137 (2021)
- Howard v. State, 288 Ga. 741, 745 (3), 707 S.E.2d 80 (2011)
- Morris v. State, 303 Ga. 192, 200 (V)(C), 811 S.E.2d 321 (2018)
- McKibbins v. State, 293 Ga. 843, 848 (3), 750 S.E.2d 314 (2013)
- Kessler v. State, 311 Ga. 607, 614 (3), 858 S.E.2d 1 (2021)
- Fulcher v. State, 297 Ga. 733, 736 (3), 778 S.E.2d 159 (2015)
- Reed v. State, 291 Ga. 10, 17 (4)(b), 727 S.E.2d 112 (2012)