

SUPREME COURT OF GEORGIA

Faniel v. State

291 Ga. 559 (2012) · Decided September 10, 2012

SUMMARY

The Supreme Court of Georgia affirmed Antonio Faniel’s convictions for felony murder, aggravated assault, and possession of a firearm during the commission of a crime arising from the shooting death of Doreen Young. The court rejected challenges to the sufficiency of the circumstantial evidence, admission of similar transactions, and alleged ineffective assistance of trial counsel. The court held that the evidence supported the verdicts and that Faniel failed to establish reversible error or prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Georgia                                                                                                                                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | Hines, Justice; All the Justices                                                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | Georgia                                                                                                                                                                                                                                                                                                                                                                                                     |
| DECIDED               | September 10, 2012                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Faniel appealed his convictions for felony murder, aggravated assault, and possession of a firearm during the commission of a crime, challenging the sufficiency of the evidence, the admission of similar transactions, and the effectiveness of trial counsel.                                                                                                                                            |
| STANDARD OF REVIEW    | The sufficiency of the evidence is reviewed in the light most favorable to the verdict, without reweighing evidence or resolving witness conflicts; the question is whether any rational trier of fact could find guilt beyond a reasonable doubt. The Supreme Court defers to the trial court's factual findings on ineffective assistance unless clearly erroneous and reviews legal conclusions de novo. |
| PRECEDENTIAL VALUE    | Published opinion of the Supreme Court of Georgia; precedential.                                                                                                                                                                                                                                                                                                                                            |
| PARTIES               | Antonio Faniel v. State                                                                                                                                                                                                                                                                                                                                                                                     |

TOPICS

- criminal procedure
- evidence
- ineffective assistance
- appellate procedure
- preservation of error

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the circumstantial evidence was sufficient to support Faniel's convictions.
2. Whether the trial court properly admitted three unrelated criminal incidents as similar transactions to show motive and intent.
3. Whether Faniel received ineffective assistance of trial counsel based on alleged failures in investigation, evidentiary objections, defense strategy, and other trial matters.

## HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Faniel guilty beyond a reasonable doubt of felony murder and possession of a firearm during the commission of a crime.
2. The trial court did not commit reversible error by admitting the 2002 and 2004 violent incidents as similar transactions, and any error in admitting evidence of the 2001 incident for which Faniel was acquitted was harmless beyond a reasonable doubt.
3. Faniel failed to establish deficient performance and resulting prejudice under Strickland, and therefore was not entitled to relief on any of his ineffective-assistance claims.

## KEY QUOTATIONS

*“In order to have a similar transaction admitted into evidence, the State has the burden to demonstrate that: (1) it seeks to introduce the evidence for an appropriate purpose to except the evidence from the general rule of inadmissibility; (2) there is evidence to sufficiently establish that the accused committed the independent offense or act; and (3) there is a sufficient connection or similarity between the independent transaction and the crimes on trial so that proof of the former tends to prove the latter.” (at 562)*

*“In order to prevail on his claim of ineffective assistance, Faniel must show that his counsel’s performance was deficient and that the demonstrated deficiency prejudiced him so that there is a reasonable likelihood that, but for the deficiency, the outcome of his trial would have been different” (at 563)*

## FACTUAL BACKGROUND

Doreen Young was fatally shot at close range after a tumultuous romantic relationship with Faniel that included frequent fights and physical injuries. Shortly before Young's death, Faniel was seen near his car with a suspected handgun, and a neighbor heard three shots; related 9mm shell casings and ammunition were later connected to firearms Faniel commonly carried. Faniel gave investigators false information, denied knowing Young and owning a firearm, and later made statements suggesting he had previously gotten away with murder. The State also introduced evidence of two later violent incidents involving Faniel and former girlfriend Thoms and a 2001 killing for which Faniel had been acquitted.

## PROCEDURAL HISTORY

A Spalding County grand jury indicted Faniel on June 6, 2006, for malice murder, felony murder, aggravated assault, and possession of a firearm during the commission of aggravated assault. After a jury trial from April 14 through April 20, 2008, he was convicted on the felony-murder, aggravated-assault, and firearm-possession counts. He received a life sentence for felony murder and a consecutive five-year sentence for firearm possession; the aggravated-assault count merged and the malice-murder count was nolle prossed. The trial court denied his motion for new trial, and the Supreme Court of Georgia affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Boring v. State, 289 Ga. 429, 432 (1) (711 SE2d 634) (2011)
- Lindsey v. State, 271 Ga. 657, 658 (522 SE2d 459) (1999)
- Caldwell v. State, 263 Ga. 560, 562 (1) (436 SE2d 488) (1993)
- Brown v. State, 288 Ga. 902, 904 (2) (708 SE2d 294) (2011)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- Moore v. State, 290 Ga. 805, 807 (2) (725 SE2d 290) (2012)
- Williams v. State, 261 Ga. 640, 642 (409 SE2d 649) (1991)
- Smith v. State, 296 Ga. App. 608, 611 (1) (675 SE2d 310) (2009)
- Collum v. State, 281 Ga. 719, 723 (4) (642 SE2d 640) (2007)
- Salcedo v. State, 258 Ga. 870 (376 SE2d 360) (1989)
- Moore v. State, 254 Ga. 674, 677-678 (333 SE2d 605) (1985)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Sanford v. State, 287 Ga. 351, 356 (5) (695 SE2d 579) (2010)
- Westbrook v. State, 291 Ga. 60 (727 SE2d 473) (2012)
- Vega v. State, 285 Ga. 32, 33 (673 SE2d 223) (2009)
- Chapman v. State, 290 Ga. 631, 635 (2) (d) (724 SE2d 391) (2012)
- Jones v. State, 315 Ga. App. 427 (727 SE2d 216) (2012)
- Bryant v. State, 249 Ga. 242, 243 (2) (290 SE2d 75) (1982)
- Chapman v. State, 290 Ga. 631, 636 (2) (e) (724 SE2d 391) (2012)