

SUPREME COURT OF GEORGIA

Moore v. State

275 Ga. 51 (2002) · Decided March 28, 2002

SUMMARY

The Georgia Supreme Court affirmed Lamar Morgan Moore’s convictions for felony murder, trafficking in methamphetamine, and two counts of criminal attempt to manufacture methamphetamine, while vacating the separate conviction and sentence for the attempted manufacture count underlying the felony murder conviction because it merged as a matter of law. The court also upheld the admission of Moore’s statements to police, the sufficiency of the evidence, and expert testimony concerning methamphetamine manufacturing hazards.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice
JURISDICTION	Georgia
DECIDED	March 28, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Moore appealed his convictions and sentences for felony murder, two counts of criminal attempt to manufacture methamphetamine, and trafficking in methamphetamine.
STANDARD OF REVIEW	The court reviewed the trial court's determination regarding the voluntariness and Miranda waiver under the totality of the circumstances, reviewed the sufficiency of the evidence under whether a rational trier of fact could find guilt beyond a reasonable doubt, and assessed the evidentiary ruling concerning the expert testimony for prejudicial error.
PRECEDENTIAL VALUE	published precedent
PARTIES	Lamar Morgan Moore v. State

TOPICS

- miranda rights
- criminal procedure
- evidence
- relevance
- sentencing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Moore's first statement to police was involuntary because of his medical condition or a police officer's statement that he would do anything to help Moore.
2. Whether Moore knowingly and voluntarily waived his Miranda rights before making his second statement despite not signing a waiver form or expressly stating that he waived his rights.
3. Whether the evidence was sufficient to support the convictions.
4. Whether expert testimony about the dangers of methamphetamine laboratories was improperly admitted because it concerned a different manufacturing method.
5. Whether the separate conviction and sentence for the criminal attempt underlying the felony-murder conviction could stand.

HOLDINGS

1. The first statement was admissible because the uncontroverted evidence showed that Moore was lucid, coherent, and responsive, and the detective's statement that he would do anything to help did not create the type of hope of benefit that renders a confession inadmissible.
2. Moore knowingly and voluntarily waived his Miranda rights before making his second statement, even though he did not sign a waiver form or expressly state that he waived the rights.
3. The evidence was sufficient to authorize a rational trier of fact to find Moore guilty beyond a reasonable doubt of the charged crimes.
4. Admission of the expert testimony was not reversible error because evidence concerning the dangerous properties of ingredients common to the manufacturing methods was relevant, and Moore did not show that testimony concerning unused ingredients was so prejudicial as to require reversal.
5. A separate conviction and sentence for the criminal attempt to manufacture methamphetamine used as the predicate felony for Moore's felony-murder conviction was unauthorized because the offense merged as a matter of law into the felony murder.

KEY QUOTATIONS

"Looking to the totality of the circumstances surrounding the second statement, we find no error in the trial court's determination that appellant's conduct demonstrated that he knowingly and voluntarily waived his rights before talking to police." (at 52)

"Thus, a separate sentence for that underlying felony is not authorized because it merged as a matter of law into the felony murder." (at 53)

FACTUAL BACKGROUND

While Moore was attempting to manufacture methamphetamine in a trailer on December 22, 2000, ether or other ingredients ignited, causing a fire that destroyed the trailer and killed his mother by carbon monoxide poisoning

and smoke inhalation. Investigators found items associated with methamphetamine manufacture, and witnesses described Moore purchasing ingredients and carrying a burning jar into the trailer's kitchen. Moore made two statements to police, one while hospitalized after the fire and another while in custody after being advised of his Miranda rights.

PROCEDURAL HISTORY

Moore was indicted in Putnam County on March 20, 2001. A jury found him guilty on all counts on August 30, 2001, and the trial court sentenced him the same day. The Supreme Court of Georgia reviewed the appeal on the briefs and affirmed the judgment in part while vacating the conviction and sentence for the predicate criminal-attempt offense.

DISPOSITION

other

CASES CITED

- State v. Roberts, 273 Ga. 514 (3), 543 S.E.2d 725 (2001)
- Grier v. State, 273 Ga. 363 (2), 541 S.E.2d 369 (2001)
- Williams v. State, 244 Ga. 485 (4)(c), 260 S.E.2d 879 (1979)
- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Scott v. State, 213 Ga. App. 84 (3), 444 S.E.2d 96 (1994)
- Malcolm v. State, 263 Ga. 369 (5), 434 S.E.2d 479 (1993)

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