

SUPREME COURT OF GEORGIA

Taylor v. State

302 Ga. 176 (2017) · Decided October 2, 2017

SUMMARY

The Supreme Court of Georgia affirmed Mark Antonio Taylor’s convictions arising from the shooting death of Charles Ernest Weaver during a vehicle theft. The court rejected Taylor’s claims of ineffective assistance of counsel, improper admission of evidence concerning an altercation with his girlfriend, and improper testimony regarding self-defense. All justices concurred.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Justice Benham
JURISDICTION	Georgia
DECIDED	October 2, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for malice murder and related offenses, following denial of a motion for new trial.
STANDARD OF REVIEW	Sufficiency of the evidence was reviewed under the rational-trier-of-fact standard. Admission of the challenged impeachment evidence was reviewed for abuse of discretion. Ineffective-assistance claims were evaluated under the two-prong deficient-performance and prejudice test.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Mark Antonio Taylor v. State

TOPICS

- criminal procedure
- ineffective assistance
- impeachment
- evidence
- appellate procedure

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Evidence
- Appellate practice
- Post-conviction ineffective assistance

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Taylor's convictions.
2. Whether trial counsel was constitutionally ineffective in conducting voir dire and deciding which prospective jurors to strike.
3. Whether the trial court abused its discretion by allowing the State to cross-examine Taylor about a physical altercation with his girlfriend for impeachment purposes.
4. Whether trial counsel was ineffective for failing to object when the prosecutor referred to the altercation during closing argument.
5. Whether the trial court committed reversible or plain error by allowing the lead investigator to testify about self-defense after defense counsel elicited testimony on that subject.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Taylor guilty beyond a reasonable doubt of the crimes for which the jury returned guilty verdicts.
2. Taylor failed to establish ineffective assistance because counsel's voir-dire questioning and juror-strike decisions were reasonable strategic choices, and none of the seated jurors expressed an opinion so fixed that the juror could not be fair and impartial.
3. The trial court did not abuse its discretion by allowing the State to cross-examine Taylor about the nature of the altercation because the questioning impeached his inaccurate testimony about why he had been expelled from the car and was permissible during thorough and sifting cross-examination.
4. Because the evidence concerning the altercation was admissible, counsel was not deficient for failing to object when the prosecutor referred to it during closing argument.
5. Taylor could not obtain relief based on the investigator's self-defense testimony because defense counsel deliberately elicited the testimony to introduce the self-defense issue, making any resulting error invited error.

KEY QUOTATIONS

"In order to prevail on a claim of ineffective assistance of counsel, appellant must show counsel's performance was deficient and that the deficient performance prejudiced him to the point that a reasonable probability exists that, but for counsel's errors, the outcome of the trial would have been different." (302 Ga. at 178)

"When the criminal defendant takes the stand, any discrepancies in his testimony maybe 'fully explored' on cross-examination regardless of their relevance or the fact that it may reflect poorly on the defendant's character." (302 Ga. at 180)

FACTUAL BACKGROUND

Taylor encountered dealership employee Charles Ernest Weaver while taking a truck from a dealership parking lot. After Weaver attempted to stop the theft, Taylor forced him toward the dealership building and shot him twice; Weaver died from his wounds. Police later recovered Weaver's knife, Taylor's handgun, which was

identified as the murder weapon, and Weaver's cell phone, and Taylor made incriminating statements during his arrest. Taylor also testified that Weaver was unarmed when he was shot.

PROCEDURAL HISTORY

A Hall County grand jury indicted Taylor on charges arising from the shooting death of Charles Ernest Weaver. After a jury trial, Taylor was convicted on all charged counts; the trial court sentenced him to life without parole for malice murder plus terms of years for the underlying felonies, and the felony-murder counts were vacated as a matter of law. The trial court denied Taylor's motion for new trial, and the Court of Appeals transferred his appeal to the Supreme Court of Georgia, which affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Pruitt v. State, 282 Ga. 30 (4) (644 S.E.2d 837) (2007)
- Wright v. State, 291 Ga. 869 (2) (734 S.E.2d 876) (2012)
- Ford v. State, 298 Ga. 560 (8) (a) (783 S.E.2d 906) (2016)
- Cade v. State, 289 Ga. 805 (4) (716 S.E.2d 196) (2011)
- Morgan v. State, 276 Ga. 72 (9) (575 S.E.2d 468) (2003)
- Brown v. State, 301 Ga. 728 (4) (804 S.E.2d 16) (2017)
- Simpson v. State, 298 Ga. 314 (4) (781 S.E.2d 762) (2016)
- Lockhart v. State, 298 Ga. 384 (2) (782 S.E.2d 245) (2016)
- Parker v. State, 339 Ga. App. 285 (1) (793 S.E.2d 173) (2016)
- Francis v. State, 266 Ga. 69 (2) (463 S.E.2d 859) (1995)
- Parks v. State, 300 Ga. 303 (3) (794 S.E.2d 623) (2016)
- Woods v. State, 271 Ga. 452, 454 (3) n. 9 (519 S.E.2d 918) (1999)
- Adkins v. State, 301 Ga. 153 (2) (800 S.E.2d 341) (2017)
- Grimes v. State, 296 Ga. 337 (4) (a) (766 S.E.2d 72) (2014)

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