

SUPREME COURT OF GEORGIA

Upshaw v. The State (Three Cases)

S25A1098, S25A1099, S25A1100 · No. S25A1098, S25A1099, S25A1100 · Decided January 5, 2026

SUMMARY

The Supreme Court of Georgia affirmed the convictions and sentences of Terrence Upshaw, Roderick Glanton, and Homer Upshaw for offenses arising from a 2021 shooting that killed two people and injured two others. The court rejected challenges concerning the sufficiency of the evidence, justification, general grounds for a new trial, admission of prior criminal offenses as evidence of gang activity, and other evidentiary rulings.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Pinson, Justice
JURISDICTION	Supreme Court of Georgia
DECIDED	January 5, 2026
DOCKET	S25A1098, S25A1099, S25A1100
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a joint jury trial, Terrence Upshaw, Roderick Glanton, and Homer Upshaw were convicted of malice murder, aggravated assault, violations of the Georgia Street Gang Terrorism and Prevention Act, and other offenses. Following denial of their motions for new trial, they appealed directly to the Supreme Court of Georgia.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed under the federal due-process standard by viewing the evidence in the light most favorable to the verdict and asking whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. The appellate court does not weigh evidence or resolve conflicts in testimony and defers to the jury's credibility determinations. A ruling on a motion for new trial under the general grounds is reviewed only for whether the trial court exercised its discretion. Evidentiary rulings are reviewed for abuse of discretion, and nonconstitutional evidentiary error is harmless when it is highly probable that the error did not contribute to the verdict. An unpreserved Confrontation Clause claim is reviewed for plain error.

PRECEDENTIAL VALUE	published
PARTIES	Terrence Upshaw, Roderick Glanton, Homer Upshaw v. The State

TOPICS

criminal procedure evidence hearsay harmless error appellate procedure

PRACTICE AREAS

criminal law criminal procedure evidence appellate law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Glanton's and Homer's malice-murder convictions.
2. Whether the evidence was sufficient to support Glanton's and Homer's convictions for Gang Act violations predicated on murder, aggravated assault, drug trafficking, and criminal damage to property.
3. Whether the trial court abused its discretion by denying Glanton's motion for a new trial on the statutory general grounds.
4. Whether the trial court abused its discretion by admitting the defendants' prior drug offenses as evidence of criminal gang activity under OCGA § 24-4-418.
5. Whether the trial court erred by excluding social-media messages between two deceased victims and whether the exclusion violated the Confrontation Clause.
6. Whether the trial court abused its discretion by admitting a Scarface meme posted on social media.

HOLDINGS

1. The evidence was sufficient to support Glanton's and Homer's malice-murder convictions because the evidence authorized the jury to find that they intentionally fired into the victims' vehicle, killing two occupants.
2. The evidence was sufficient for the jury to reject Glanton's and Homer's justification defenses.
3. The evidence was sufficient to support Glanton's and Homer's Gang Act convictions.
4. Glanton was not entitled to relief because the trial court exercised its discretion in reviewing and denying the motion for new trial on the general grounds.
5. The trial court did not abuse its discretion by admitting the defendants' prior drug offenses as evidence of criminal gang activity under OCGA § 24-4-418.
6. Even assuming the trial court erred by excluding the deceased victims' social-media messages under the statement-against-interest exception, any error was harmless and did not establish plain error under the Confrontation Clause.
7. Even assuming the trial court erred by admitting the Scarface meme, any error was harmless.

KEY QUOTATIONS

“we do not weigh the evidence on appeal or resolve conflicts in trial testimony but instead defer to the jury’s assessment of the weight and credibility of the evidence.” (12)

“Finally, the evidence showed that the defendants were inside their home when the victims first drove by, then came outside with guns, waited in the yard, and as soon as the victims’ car drove by again, fired more than 50 rounds towards the car” (15)

“In short, the evidence of the defendants’ prior crimes was relevant and, although “inherently prejudicial,” was not unfairly so.” (31)

“Judgment affirmed. All the Justices concur.” (38)

FACTUAL BACKGROUND

On June 14, 2021, four victims drove through the Wilson Apartments area wearing masks and carrying firearms. After the vehicle drove by the defendants' location more than once, Terrence Upshaw, Homer Upshaw, Roderick Glanton, and an unidentified fourth person emerged from a home and fired more than 50 rounds at the vehicle, killing Jesse Ransom and Saiveon Pugh and injuring Wandray Harris and Ta'Journey Lee. The investigation linked the defendants to the shooting through surveillance footage, social-media evidence, cell-phone-location records, firearms evidence, and evidence of gang and drug activity in the area.

PROCEDURAL HISTORY

A Muscogee County grand jury indicted the defendants in October 2022. A joint jury trial was held from October 30 through November 14, 2023, and the jury found each defendant guilty of all charged offenses. The trial court denied their motions for new trial, and the defendants timely appealed; the appeals were docketed for the August 2025 term and submitted on the briefs.

DISPOSITION

affirmed

CASES CITED

- Mills v. State, 320 Ga. 457, 461 (2024)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Chambliss v. State, 318 Ga. 161, 163 (2023)
- Scoggins v. State, 317 Ga. 832, 836 (2023)
- Allen v. State, 322 Ga. 417, 422-23 (2025)
- Boyd v. State, 306 Ga. 204, 209-10 (2019)
- McGruder v. State, 303 Ga. 588, 591-92 (2018)
- Stripling v. State, 304 Ga. 131, 134 (2018)
- Whisnant v. State, 322 Ga. 253, 259 (2025)
- Wilson v. State, 315 Ga. 728, 738-39 (2023)

- McKinney v. State, 318 Ga. 566, 570-72 (2024)
- Moss v. State, S25A0650, slip op. at 5 (Oct. 15, 2025)
- Smith v. State, 313 Ga. 584, 587 (2022)
- Burke v. State, 320 Ga. 706, 706 (2025)
- Pugh v. State, 318 Ga. 706, 717 (2024)
- Williams v. State, 318 Ga. 83, 97 (2024)

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