

SUPREME COURT OF GEORGIA

Pritchett v. State

Pritchett · No. S22A0809 · Decided October 4, 2022

SUMMARY

The Supreme Court of Georgia affirmed Douglas Edwin Pritchett’s conviction for malice murder in the shooting death of Richard Danley. The court held that the evidence was sufficient to support the conviction and to disprove Pritchett’s claim of self-defense. Although the trial court erred by admitting certain prior-acts evidence under Georgia’s Rule 404(b), the court concluded that the error was harmless.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	McMillian, Justice
JURISDICTION	Georgia
DECIDED	October 4, 2022
DOCKET	S22A0809
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pritchett appealed his convictions for malice murder and related offenses and the denial of his amended motion for new trial.
STANDARD OF REVIEW	Constitutional sufficiency of the evidence is reviewed under Jackson v. Virginia, viewing the evidence in the light most favorable to the verdict and asking whether a rational trier of fact could find guilt beyond a reasonable doubt. Admission of Rule 404 (b) evidence is reviewed for abuse of discretion, and nonconstitutional evidentiary error is harmless if it is highly probable that the error did not contribute to the verdict. Ineffective-assistance claims are reviewed deferentially as to factual findings and independently as to legal principles.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Douglas Edwin Pritchett v. State

TOPICS

evidence

criminal procedure

self defense

ineffective assistance

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PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the evidence was constitutionally sufficient to support Pritchett's malice-murder conviction and to disprove his claim of self-defense beyond a reasonable doubt.
2. Whether the trial court abused its discretion by admitting prior incidents under Georgia Rule of Evidence 404 (b) to show plan, preparation, knowledge, and motive.
3. Whether Pritchett received ineffective assistance of trial counsel based on counsel's handling of lay and expert opinion testimony, alleged character evidence, and cross-examination.
4. Whether the cumulative effect of trial-court errors and counsel's alleged deficiencies required a new trial.

HOLDINGS

1. The evidence was sufficient to permit a rational jury to find Pritchett guilty of malice murder beyond a reasonable doubt and to reject his claim of self-defense.
2. The trial court erred by admitting the prior incidents to show plan or preparation, knowledge, and motive because the evidence was not relevant to a permissible noncharacter purpose and, as to motive, relied on an improper propensity theory.
3. The erroneous admission of the Rule 404 (b) evidence was harmless and did not require reversal.
4. Pritchett failed to establish either deficient performance or resulting prejudice under Strickland, so his ineffective-assistance claims did not warrant a new trial.
5. Pritchett was not entitled to a new trial based on cumulative error or cumulative ineffective assistance.

KEY QUOTATIONS

"(1) that the evidence is relevant to an issue in the case other than the defendant's character; (2) that the probative value of the evidence is not substantially outweighed by its undue prejudice; and (3) that there is sufficient proof for a jury to find by a preponderance of the evidence that the defendant committed the other act." (17)

"The test for determining nonconstitutional harmless error is whether it is highly probable that the error did not contribute to the verdict." (27)

"In order to succeed on his claim of ineffective assistance, [Pritchett] must prove both that his trial counsel's performance was deficient and that there is a reasonable probability that the trial result would have been different if not for the deficient performance." (31)

FACTUAL BACKGROUND

Pritchett shot Richard Danley multiple times in Pritchett's Gilmer County home on July 8, 2017, killing him. Pritchett gave differing accounts, telling a friend that Danley attacked him with a shovel while he slept and telling police that Danley returned with a knife after a physical altercation and was shot in self-defense. The physical evidence, including the location of the knife, the absence of a blood trail, wounds to Danley's back, the ice bag in Danley's hand, and expert crime-scene testimony, was inconsistent with Pritchett's accounts and supported the State's theory that the scene had been staged.

PROCEDURAL HISTORY

A Gilmer County grand jury indicted Pritchett for malice murder, felony murder, aggravated assault, and aggravated battery. Following a jury trial from February 27 to March 7, 2019, he was convicted on all counts and sentenced to life imprisonment for malice murder; the felony-murder counts were vacated by operation of law and the remaining counts merged for sentencing. The trial court denied his amended motion for new trial. After an earlier appeal was stricken and remanded to address appointed counsel's withdrawal, new appellate counsel was appointed and the case was re-docketed and submitted on the briefs.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Harris v. State, Harris v. State, 313 Ga. 225, 229 (2) (2022)
- McCray v. State, 301 Ga. 241, 243 (1) (2017)
- Mosby v. State, 300 Ga. 450, 451 (1) (2017)
- Blair v. State, 273 Ga. 668, 668 (1) (2001)
- Akins v. State, 269 Ga. 838, 839 (1) (1998)
- Jackson v. State, 307 Ga. 770, 772 (2020)
- Slaughter v. State, 278 Ga. 896, 897 (2005)
- Clark v. State, 271 Ga. 27, 29 (1) (1999)
- Ward v. State, 313 Ga. 265, 268 (2) n.5 (2022)
- State v. Jones, 297 Ga. 156, 159 (2) (2015)
- Strong v. State, 309 Ga. 295, 300 (2) (2020)
- Olds v. State, 299 Ga. 65, 69-70 (2) (2016)
- Kirby v. State, 304 Ga. 472, 479 (4) (2018)
- Morrell v. State, 313 Ga. 247, 256-57 (1) (2022)
- Heard v. State, 309 Ga. 76, 87-90 (2020)
- United States v. LeCompte, 99 F.3d 274, 278 (8th Cir. 1996)
- Rouzan v. State, 308 Ga. 894, 899 (2) (2020)
- Harris v. State, Harris v. State, 314 Ga. 238, 264, 266 (3) (a), (c) (2022)

- Smart v. State, 299 Ga. 414, 418-19 (2) (b) (2016)
- Williams v. State, 313 Ga. 443, 448 (1) (2022)
- Sams v. State, 314 Ga. 306, 313 (3) (2022)
- Thomas v. State, 2022 WL 4349298, Case No. S22A0798 (Ga. Sept. 20, 2022)
- Moore v. State, 307 Ga. 290, 294 (2) (2020)
- Lyons v. State, 309 Ga. 15, 25 (8) (2020)
- Harris v. State, 309 Ga. 599, 604 (2) (a) (2020)
- Thornton v. State, 307 Ga. 121, 128 (3) (c) (2019)
- Bullard v. State, 307 Ga. 482, 492 (4) (2020)
- Watts v. State, 308 Ga. 455, 460 (2) (2020)
- Robinson v. State, 278 Ga. 31, 36 (3) (c) (2004)
- Snipes v. State, 309 Ga. 785, 794 (2020)
- Richards v. State, 306 Ga. 779, 782 (2) (a) (2019)
- Goins v. State, 310 Ga. 199, 206-07 (5) (2020)
- State v. Lane, 308 Ga. 10, 21 (4) (2020)
- Scott v. State, 309 Ga. 764, 771 (3) (d) (2020)