

SUPREME COURT OF GEORGIA

Scandrett v. State

293 Ga. 602 (2013) · Decided September 23, 2013

SUMMARY

The Georgia Supreme Court affirmed Darian A. Scandrett’s convictions for malice murder, felony murder, aggravated assault, and firearm offenses. The court held that the in-court identification had an independent origin, the traffic stop and handgun seizure were lawful, and Scandrett failed to establish ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice; All the Justices
JURISDICTION	Georgia
DECIDED	September 23, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Scandrett appealed to the Supreme Court of Georgia from convictions and sentences entered after a jury trial, challenging the admission of identification and handgun evidence and alleging ineffective assistance of trial counsel.
STANDARD OF REVIEW	Suppression rulings are reviewed by construing the evidence most favorably to uphold the trial court's findings and judgment; factual findings and credibility determinations are accepted unless clearly erroneous. The legal principles governing ineffective assistance are independently applied to the facts.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; binding Georgia precedent.
PARTIES	Darian A. Scandrett v. State

TOPICS

- criminal procedure
- suppression of evidence
- ineffective assistance
- evidence
- fourteenth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Scandrett's convictions.
2. Whether the trial court improperly admitted Reese's in-court identification after suppressing an impermissibly suggestive pretrial identification.
3. Whether the traffic stop that led to discovery of the Glock handgun was unlawful because the evidence did not support a stop for failure to use a turn signal.
4. Whether trial counsel provided ineffective assistance by failing to introduce Scandrett's driver's-license photograph showing his hairstyle.

HOLDINGS

1. The evidence was sufficient for a rational jury to find Scandrett guilty beyond a reasonable doubt of the offenses for which he was convicted.
2. An in-court identification is not constitutionally inadmissible merely because a pretrial identification was tainted if the in-court identification has an independent origin.
3. The trial court properly denied suppression of the Glock because it was entitled to credit the officer's testimony that Scandrett abruptly turned without signaling while other vehicles were following, supporting the stop under OCGA § 40-6-123.
4. Scandrett failed to establish ineffective assistance because he did not show a reasonable probability that introducing the driver's-license photograph would have changed the trial result.

KEY QUOTATIONS

“even if a pretrial identification is tainted, an in-court identification is not constitutionally inadmissible if it does not depend upon the prior identification but has an independent origin.” (604)

“In order to succeed on his claim of ineffective assistance, [Scandrett] 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.” (605)

FACTUAL BACKGROUND

On December 16, 1997, Scandrett approached Tyrone Chambers and Deavis Reese at an apartment complex, displayed a Glock 9mm handgun, and fired multiple shots, killing Chambers. Approximately one year later, police stopped Scandrett after he abruptly turned without signaling while other vehicles were behind him and found a loaded Glock in his car; testing linked the gun to shell casings recovered from the murder scene. Reese identified Scandrett at trial, and another witness testified that Scandrett confessed to shooting Chambers. Scandrett challenged the in-court identification, the traffic stop and resulting firearm seizure, and trial counsel's failure to introduce a driver's-license photograph concerning his hairstyle.

PROCEDURAL HISTORY

Scandrett was indicted in 2003 for malice murder, two counts of felony murder, aggravated assault, possession of a firearm by a convicted felon, and possession of a firearm during the commission of a crime. His first trial ended in a mistrial; at a subsequent May 2006 trial, the jury found him guilty on all counts. The trial court imposed a life sentence for malice murder and consecutive five-year sentences for the two firearm offenses; the felony-murder convictions were vacated by operation of law and the remaining charges merged for sentencing. The trial court denied Scandrett's amended motion for new trial in 2012, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- Stringer v. State, 285 Ga. 842, 843 (2) (684 S.E.2d 590) (2009)
- Wilson v. State, 275 Ga. 53, 59 (3) (562 S.E.2d 164) (2002)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Strickland v. Washington, 466 U.S. 668, 697 (1984)
- Fuller v. State, 277 Ga. 505 (3) (591 S.E.2d 782) (2004)
- Robinson v. State, 277 Ga. 75, 76 (586 S.E.2d 313) (2003)
- Wright v. State, 291 Ga. 869, 870 (2) (734 S.E.2d 876) (2012)
- Malcolm v. State, 263 Ga. 369 (4) (434 S.E.2d 479) (1993)

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