

SUPREME COURT OF GEORGIA

Manuel v. State, 289 Ga. 383

711 S.E.2d 676 (2011) · No. S11A0603 · Decided June 13, 2011

SUMMARY

The Supreme Court of Georgia reviewed Ron Manuel's convictions for malice murder and possession of a firearm during the commission of a felony. The court held that the evidence was sufficient to support the convictions but concluded that the trial court failed to exercise the proper discretionary standard when ruling on Manuel's motion for a new trial under OCGA § 5-5-21. The judgments were vacated and the case was remanded for reconsideration of the motion for new trial.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Carley, Presiding Justice
JURISDICTION	Georgia
DECIDED	June 13, 2011
DOCKET	S11A0603
DISPOSITION	vacated
PROCEDURAL POSTURE	Manuel appealed from the denial of his motion for new trial and motion for reconsideration following convictions for malice murder and possession of a firearm during the commission of a felony.
STANDARD OF REVIEW	For sufficiency of the evidence, the court reviewed the evidence in the light most favorable to the verdict and asked whether a rational trier of fact could have found guilt beyond a reasonable doubt. Review of a trial court's ruling on whether a verdict is against the weight of the evidence under OCGA § 5-5-21 requires recognition of the trial court's sound discretion; that discretionary review is distinct from appellate sufficiency review.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ron Manuel v. The State

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Manuel's convictions for malice murder and possession of a firearm during the commission of a felony.
2. Whether the trial court failed to exercise the discretion required by OCGA § 5-5-21 when ruling on Manuel's motion for new trial based on the claim that the verdict was against the weight of the evidence.

HOLDINGS

1. The evidence, viewed in the light most favorable to the verdict, was sufficient for a rational trier of fact to find Manuel guilty beyond a reasonable doubt of malice murder and possession of a firearm during the commission of a felony.
2. A trial court must exercise the sound discretion granted by OCGA § 5-5-21 when deciding a motion for new trial asserting that the verdict is strongly against the weight of the evidence; merely determining that the evidence was legally sufficient does not satisfy that obligation.

KEY QUOTATIONS

“When evaluating the sufficiency of evidence, the proper standard for review is whether a rational trier of fact could have found the defendant guilty beyond a reasonable doubt.” (289 Ga. 384)

“the sufficiency of the evidence standard and the discretionary standard given to the trial court pursuant to OCGA § 5-5-21 address two distinct legal issues” (289 Ga. 385)

“Accordingly, we vacate the judgment and remand this case to the trial court for consideration of the motion for new trial under the appropriate discretionary standard.” (289 Ga. 385)

FACTUAL BACKGROUND

On December 17, 2005, Kenneth Black was shot and killed on a pathway near several motels and apartment complexes. Two eyewitnesses saw a man leave the pathway with a silver gun shortly after hearing gunshots and identified Manuel from a photographic lineup and at trial. Police later found a .38-caliber hollow-point bullet in Manuel's apartment, while firearms evidence established that bullets recovered from the victim were .38-caliber hollow-point bullets fired from the same gun.

PROCEDURAL HISTORY

A jury found Manuel guilty of malice murder and possession of a firearm during the commission of a felony. The trial court imposed a life sentence for malice murder and a consecutive five-year sentence for the weapons offense. After denying Manuel's motion for new trial and motion for reconsideration, the trial court granted an out-of-time appeal. The Supreme Court of Georgia vacated the judgments and remanded for reconsideration of the motion for new trial under the proper discretionary standard.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court must reconsider Manuel's motion for new trial under the discretionary standard in OCGA § 5-5-21, independently assessing whether the verdict was decidedly and strongly against the weight of the evidence.

CASES CITED

- Hamrick v. State, 304 Ga. App. 378, 696 S.E.2d 403 (2010)
- Simmons v. State, 285 Ga. App. 129, 130-31, 645 S.E.2d 622 (2007)
- Samuels v. State, 223 Ga. App. 275-76, 477 S.E.2d 414 (1996)
- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Reeves v. State, 288 Ga. 545, 546, 705 S.E.2d 159 (2011)
- Wornum v. State, 285 Ga. 168, 169, 674 S.E.2d 876 (2009)
- Butler v. State, 273 Ga. 380, 382, 541 S.E.2d 653 (2001)
- Alvelo v. State, 288 Ga. 437, 438-39, 704 S.E.2d 787 (2011)
- Colzie v. State, 289 Ga. 120, 121, 710 S.E.2d 115 (2011)
- Rutland v. State, 296 Ga. App. 471, 476, 675 S.E.2d 506 (2009)
- Bhansali v. Moncada, 275 Ga. App. 221, 222, 620 S.E.2d 404 (2005)
- Ricketts v. Williams, 242 Ga. 303, 304, 248 S.E.2d 673 (1978)
- Wilder v. State, 193 Ga. 337, 18 S.E.2d 546 (1942)
- Mills v. State, 188 Ga. 616, 625, 4 S.E.2d 453 (1939)
- Thompson v. Warren, 118 Ga. 644, 45 S.E. 912 (1903)
- Holton v. Jones, 174 Ga. App. 654, 655, 331 S.E.2d 26 (1985)
- Jones v. State, 219 Ga. App. 780, 466 S.E.2d 667 (1996)
- Priest v. State, 265 Ga. 399, 456 S.E.2d 503 (1995)