

SUPREME COURT OF GEORGIA

Coe v. State

293 Ga. 233 (2013) · Decided June 17, 2013

SUMMARY

The Georgia Supreme Court affirmed Willie Bernard Coe’s convictions and sentences for malice murder and two firearm offenses arising from a fatal exchange of gunfire. The court held that the evidence was sufficient under transferred intent and party-to-a-crime principles, and rejected challenges concerning juror bias, severance, and a reference to Coe’s parole status. The court also concluded that the parole-reference issue was waived and, alternatively, did not warrant a mistrial.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Justice
JURISDICTION	Georgia
DECIDED	June 17, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions and consecutive sentences for malice murder, possession of a firearm during the commission of a felony, and possession of a firearm by a convicted felon.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether a rational trier of fact could find the essential elements beyond a reasonable doubt. A ruling on juror disqualification and a motion to sever is reviewed for abuse of discretion. A mistrial issue is subject to preservation and waiver principles; alternatively, denial of a mistrial is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential authority of the Supreme Court of Georgia.
PARTIES	Willie Bernard Coe v. State

TOPICS

- criminal procedure
- appellate procedure
- jury selection
- appellate jurisdiction
- harmless error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Coe's malice-murder conviction when the State could not prove whether Coe or Mingledolph fired the fatal shot.
2. Whether the trial court abused its discretion by refusing to remove for cause a juror who had known the victim's widow decades earlier.
3. Whether the trial court erred by conducting a joint trial rather than severing Coe's trial from Mingledolph's.
4. Whether the trial court erred by refusing to grant a mistrial or give a curative instruction after a witness referred to Coe's parole status.

HOLDINGS

1. The evidence was legally sufficient to sustain Coe's malice-murder conviction even though the State could not determine whether Coe or Mingledolph fired the fatal shot.
2. The trial court did not abuse its discretion by allowing the juror to remain on the jury.
3. Coe could not obtain appellate review based on a severance motion that he did not make or adopt; alternatively, the trial court did not abuse its discretion in denying severance.
4. Coe waived the parole-reference issue by failing to show that he moved for a mistrial or objected to the decision not to give a curative instruction; alternatively, the passing reference did not warrant a mistrial.

KEY QUOTATIONS

"Of course ... mere presence or approval of a criminal act is not sufficient to render one a party to the crime, and a conviction as a party to a crime requires proof that the defendant shared a common criminal intent with the principal perpetrator of the crime." (293 Ga. at 235)

"antagonistic defenses alone are not sufficient to mandate severance; Coe must also demonstrate harm from the failure to sever." (293 Ga. at 237)

FACTUAL BACKGROUND

Coe had previously stolen marijuana from associates of Dennis Mingledolph. After Mingledolph and others accosted and threatened Coe, Coe obtained a 10mm pistol from a vehicle and exchanged gunfire with Mingledolph in the vicinity of innocent bystanders. Johnny Walter Davis was seated in a pickup truck between the combatants and was killed by a gunshot; ballistic evidence could not establish whether the fatal shot came from Coe's or Mingledolph's weapon.

PROCEDURAL HISTORY

A Richmond County grand jury indicted Coe and Dennis Marcel Mingledolph for murder-related offenses and firearm offenses. They were tried jointly before a jury, which convicted Coe of all charged offenses; the felony-murder conviction was vacated by operation of law, and Coe received life imprisonment for malice murder plus

consecutive five-year sentences for the two firearm offenses. The trial court denied Coe's amended motion for new trial, and Coe appealed to the Supreme Court of Georgia.

DISPOSITION

affirmed

CASES CITED

- Hendricks v. State, 290 Ga. 238, 240 (1) (719 S.E.2d 466) (2011)
- Love v. State, 268 Ga. 484, 485 (1) (490 S.E.2d 88) (1997)
- Jones v. State, 292 Ga. 656 (1) (a) (740 S.E.2d 590) (2013)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- Poole v. State, 291 Ga. 848, 851-852 (3) (734 S.E.2d 1) (2012)
- Pye v. State, 274 Ga. 839, 842 (6) (561 S.E.2d 109) (2002)
- Butler v. State, 290 Ga. 412, 413 (2) (721 S.E.2d 876) (2012)
- Loren v. State, 268 Ga. 792, 795 (2) (493 S.E.2d 175) (1997)
- Krause v. State, 286 Ga. 745, 750 (5) (691 S.E.2d 211) (2010)
- Stokes v. State, 281 Ga. 875, 877 n.3 (644 S.E.2d 116) (2007)
- Lanier v. State, 288 Ga. 109, 110-111 (2) (702 S.E.2d 141) (2010)
- Malcolm v. State, 263 Ga. 369, 371-374 (4) (434 S.E.2d 479) (1993)