

SUPREME COURT OF GEORGIA

Forte v. State

302 Ga. 726 (2017) · Decided December 11, 2017

SUMMARY

The Georgia Supreme Court affirmed Donnie McQuinn Forte’s convictions for malice murder, kidnapping with bodily injury, firearm possession during a felony, and possession of a drug-related object. The court held that the evidence sufficiently supported the kidnapping and related felony-murder charges and that, although the trial court omitted part of the oral malice-murder instruction, the complete written instructions provided to the jury did not constitute plain error affecting Forte’s substantial rights.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Presiding Justice
JURISDICTION	Georgia
DECIDED	December 11, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Forte appealed his convictions and sentences following a jury trial and the denial of his amended motion for new trial. He challenged the sufficiency of the evidence supporting his convictions for murder and kidnapping and argued that the trial court plainly erred by orally giving an incomplete malice-murder jury instruction.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under <i>Jackson v. Virginia</i> , viewing the evidence in the light most favorable to the verdict and asking whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt. An unobjected-to jury-instruction claim is reviewed for plain error under OCGA § 17-8-58 (b).
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Georgia
PARTIES	Donnie McQuinn Forte v. State

TOPICS

criminal procedure

jury instructions

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standard of review

evidence

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Forte's convictions, including kidnapping and felony murder predicated on kidnapping.
2. Whether the trial court committed plain error by orally omitting the final paragraph defining malice from the malice-murder charge when the jury received a complete written copy of the instructions.

HOLDINGS

1. The evidence was sufficient for a rational jury to find Forte guilty beyond a reasonable doubt. Evidence that Forte and others controlled Blanchard's truck, confronted and threatened him, and forced him to transport them against his will supported the kidnapping conviction and the felony-murder conviction predicated on kidnapping.
2. The trial court's omission of the final paragraph defining malice from its oral charge did not constitute reversible plain error because the jury received a complete written copy of the charge and Forte failed to show that the omission affected his substantial rights or the outcome of the proceedings.

KEY QUOTATIONS

"The jury, during its deliberations, had the entire charge to consider. Therefore, the jury did, in fact, have a full set of instructions with which to reach a decision." (302 Ga. at 729)

FACTUAL BACKGROUND

N. B. reported that Isaiah Davis had held her against her will and raped her, prompting her relatives and friends to search for Davis. At N. B.'s grandmother's home, Forte and several other men confronted Blanchard Thomas, demanded that he identify Davis's location, and threatened him while taking control of his truck. Forte rode with Blanchard, later remained alone with him after other men exited, and was seen running from the vehicle shortly after a gunshot was heard; witnesses identified Forte as the shooter. When apprehended, Forte was seen placing a white substance in his mouth, and a glass smoking device was found in his pocket.

PROCEDURAL HISTORY

Forte was indicted on multiple murder, kidnapping, robbery, firearm, and drug-related charges. The State nolle prossed several counts. After a jury trial, Forte was convicted of malice murder, felony murder predicated on kidnapping, kidnapping with bodily injury, possession of a firearm during the commission of a felony, and the lesser included offense of possession of a drug-related object. The trial court denied his amended motion for new trial, and Forte timely appealed. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U. S. 307 (99 SCt 2781, 61 LE2d 560) (1979)
- State v. Kelly, 290 Ga. 29, 32-33 (2) (a) (718 SE2d 232) (2011)
- Malcolm v. State, 263 Ga. 369 (4) (434 SE2d 479) (1993)

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