

SUPREME COURT OF GEORGIA

Denny v. State, 280 Ga. 81

623 S.E.2d 483 (2005) · No. S05A1915 · Decided December 1, 2005

SUMMARY

The Supreme Court of Georgia affirmed Michael Denny’s convictions for two counts of malice murder, burglary, and possession of a gun during the commission of a crime. The court held that evidence of two independent burglaries was properly admitted to show identity, bent of mind, and course of conduct, that the conspiracy instruction was supported by the evidence, and that Denny failed to establish prejudice from alleged ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Sears, Chief Justice
JURISDICTION	Georgia
DECIDED	December 1, 2005
DOCKET	S05A1915
DISPOSITION	affirmed
PROCEDURAL POSTURE	Michael Denny appealed his convictions for two counts of malice murder, burglary, and possession of a gun during the commission of a crime, challenging the admission of independent-crime evidence, the conspiracy jury instruction, and the denial of his ineffective-assistance claim.
STANDARD OF REVIEW	The evidence was viewed in the light most favorable to the verdict to determine whether a rational trier of fact could find guilt beyond a reasonable doubt. The admission of independent-crime evidence and the conspiracy instruction were reviewed for trial-court error. Ineffective-assistance claims required proof of deficient performance and resulting prejudice; the court could resolve the claim solely on the prejudice prong.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Michael Denny v. State

TOPICS

evidence

criminal procedure

ineffective assistance

conspiracy

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate criminal procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by admitting evidence of two independent crimes to show identity, bent of mind, and course of conduct.
2. Whether the trial court erred by instructing the jury on conspiracy when the evidence showed an agreement to burglarize the Rainwater residence.
3. Whether Denny established ineffective assistance of trial counsel based on counsel's failure to discover alibi witnesses and failure to present testimony from a DNA expert.

HOLDINGS

1. The trial court properly admitted evidence of the two independent burglaries because they were sufficiently similar to the charged crimes and were relevant to identity, bent of mind, and course of conduct.
2. The trial court did not err by instructing the jury on conspiracy because the evidence supported the existence of a conspiracy to burglarize the Rainwater residence.
3. Denny failed to establish ineffective assistance because he did not prove prejudice from counsel's alleged failure to locate alibi witnesses or present DNA-expert testimony.

FACTUAL BACKGROUND

On January 24, 1990, Joe and George Rainwater were found shot to death inside Kevin Rainwater's residence after witnesses observed a white van and the victims' vehicles at the property. Russell Brown testified that he, Michael Denny, and Ricky Denny had driven around looking for a residence to burglarize, and that Denny shot the victims after they unexpectedly arrived. DNA evidence discovered at the crime scene was later matched and forensically confirmed as Denny's DNA. The State also introduced evidence of two similar daytime burglaries involving accomplices, semi-rural homes, forced entry, and a white van.

PROCEDURAL HISTORY

Denny was indicted in 2002 for offenses arising from the 1990 murders and burglary at the Rainwater residence. A jury found him guilty in February 2004; the felony-murder convictions were vacated as a matter of law, and the trial court imposed consecutive life sentences for the malice-murder convictions, a concurrent burglary sentence, and a consecutive firearm sentence. The trial court denied Denny's amended motion for new trial, and the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Williams v. State, 261 Ga. 640, 642-643, 409 S.E.2d 649 (1991)
- Collins v. State, 273 Ga. 93, 94-95, 538 S.E.2d 47 (2000)
- Wayne v. State, 269 Ga. 36, 38-39, 495 S.E.2d 34 (1997)
- Raulerson v. State, 268 Ga. 623, 631, 491 S.E.2d 791 (1997)
- Belsar v. State, 276 Ga. 261, 262, 577 S.E.2d 569 (2003)
- Huey v. State, 263 Ga. 840, 842, 439 S.E.2d 656 (1994)
- Scott v. State, 279 Ga. 596, 599, 619 S.E.2d 653 (2005)
- Seabolt v. State, 279 Ga. 518, 520-521, 616 S.E.2d 448 (2005)
- Riggins v. State, 279 Ga. 407, 409, 614 S.E.2d 70 (2005)
- Robinson v. State, 278 Ga. 31, 35, 597 S.E.2d 386 (2004)
- Goodwin v. Cruz-Padillo, 265 Ga. 614, 615, 458 S.E.2d 623 (1995)