

SUPREME COURT OF GEORGIA

Williams v. State; Lane v. State, 280 Ga. 539

630 S.E.2d 410 (2006) · No. Nos. S06A0159, S06A0329 · Decided May 18, 2006

SUMMARY

The Supreme Court of Georgia affirmed James Lee Williams's convictions for malice murder, aggravated assault, and possession of cocaine with intent to distribute. In the companion appeal, the court affirmed Frederick Earl Lane's convictions, remanding only for a hearing on his ineffective-assistance-of-counsel claim; the opinion addressed evidentiary sufficiency, prior inconsistent statements, co-conspirator statements, res gestae evidence, and the Confrontation Clause.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice; Sears, Chief Justice
JURISDICTION	Georgia
DECIDED	May 18, 2006
DOCKET	Nos. S06A0159, S06A0329
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeals from convictions and denials of motions for new trial in two companion murder prosecutions tried jointly against co-defendants.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether, viewing the evidence in the light most favorable to the verdict, a rational trier of fact could find the defendant guilty beyond a reasonable doubt. A trial court's finding regarding ineffective assistance of counsel is not reversed unless clearly erroneous. Evidentiary rulings not challenged by contemporaneous objection are generally deemed waived.
PRECEDENTIAL VALUE	Published opinion; precedential Georgia Supreme Court decision.
PARTIES	James Lee Williams, Frederick Earl Lane v. The State

TOPICS

- ineffective assistance
- hearsay
- evidence
- sixth amendment
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether sufficient evidence corroborated Lane's statement and supported Williams's convictions for malice murder and aggravated assault.
2. Whether eyewitness identification testimony was improperly admitted as a prior inconsistent statement.
3. Whether testimony concerning Williams's girlfriend's prior statement was improperly admitted as impeachment or substantive evidence.
4. Whether Williams received ineffective assistance when counsel did not move to sever the trials or object to challenged testimony.
5. Whether sufficient evidence supported Lane's convictions.
6. Whether testimony concerning Lane's attempted rape of Dowdy was admissible as part of the *res gestae* and as evidence of motive.
7. Whether Lane's newly raised ineffective-assistance claim required remand for an evidentiary hearing.

HOLDINGS

1. The evidence was sufficient to support Williams's convictions because Lane's recorded statement was corroborated by an eyewitness identification placing Williams among Tyson's assailants and by evidence of Williams's flight and statement that he would not be taken alive.
2. The challenge to the eyewitness identification was waived because Williams did not object at trial. In any event, the testimony was properly admitted as a prior inconsistent statement because the eyewitness's trial testimony materially contradicted her prior statement identifying Williams as one of Tyson's assailants.
3. The girlfriend's prior statement to police was admissible to impeach both the girlfriend and Williams's mother because it materially contradicted their trial testimony. Any failure to establish a foundation for treating the statement as substantive evidence did not warrant reversal because other probative evidence independently supported the verdict.
4. Williams failed to establish ineffective assistance of counsel. The failure to seek severance did not establish deficient performance or prejudice, no Bruton violation occurred because Lane testified and was subject to cross-examination, the challenged eyewitness testimony was properly admitted, and Williams failed to show prejudice from counsel's failure to object to the girlfriend's statement or the arrest-warrant testimony.
5. The evidence, including Lane's detailed recorded admission, was more than sufficient to authorize the jury to find Lane guilty beyond a reasonable doubt.
6. Dowdy's testimony about Lane's attempted rape and its aftermath was admissible as part of the *res gestae* and because it was relevant to Lane's motive for murdering Tyson.

7. Because Lane raised ineffective assistance for the first time on appeal and the record showed that appellate counsel was appointed only after the motion for new trial was decided, the case was remanded for a hearing and determination on that claim.

KEY QUOTATIONS

“Thus, it is more properly characterized as a declaration of a co-conspirator, rather than a confession.”
(*415)

“However, when one is considering matters of trial strategy and tactics, the effectiveness of trial counsel must not be judged by hindsight or the ultimate result of the trial.” (*415)

“Even though a defendant is not charged with every crime committed during a criminal transaction, every aspect of it relevant to the crime charged may be presented at trial.” (*415)

FACTUAL BACKGROUND

During an early-morning altercation at the Liberty Inn in Savannah, Georgia, Lane returned with Williams and another man after an attempted rape involving Lane and Chenita Dowdy. Witnesses saw Lane carrying a gun, and Dowdy testified that Lane shot Oscar Tyson while Tyson was standing and again after he fell; forensic evidence showed bullets from at least two guns. Lane later made a recorded admission describing the murder and implicating Williams, and Williams was arrested after a standoff during which he said he would not be taken alive; cocaine was found in his pockets.

PROCEDURAL HISTORY

Williams and Lane were tried as co-defendants and convicted by a jury on May 12, 2004. Their motions for new trial were denied in April 2005, and both defendants timely appealed to the Supreme Court of Georgia. The court affirmed Williams's convictions and affirmed Lane's convictions while remanding Lane's case for a hearing and determination on his newly raised ineffective-assistance claim.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

As to Lane, the case was remanded to the trial court for a hearing and determination on his ineffective-assistance-of-trial-counsel claim. Williams's judgment was affirmed without remand.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Wilson v. State, 277 Ga. 114(2), 587 S.E.2d 9 (2003)
- Kinney v. State, 271 Ga. 877(2), 525 S.E.2d 91 (2000)
- Childress v. State, 266 Ga. 425(4), 467 S.E.2d 865 (1996)

- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Smith v. State, 256 Ga. 483, 351 S.E.2d 641 (1986)
- Bruton v. United States, 391 U.S. 123, 88 S. Ct. 1620, 20 L. Ed. 2d 476 (1968)
- Neason v. State, 277 Ga. 789, 791(2), 596 S.E.2d 120 (2004)
- Brown v. State, 266 Ga. 633(2), 469 S.E.2d 186 (1996)
- Slade v. State, 270 Ga. 305(2), 509 S.E.2d 618 (1998)
- Satterfield v. State, 256 Ga. 593, 598(6), 351 S.E.2d 625 (1987)
- Payne v. State, 273 Ga. 317(3), 540 S.E.2d 191 (2001)
- Hampton v. State, 272 Ga. 284(10), 527 S.E.2d 872 (2000)
- Malcolm v. State, 263 Ga. 369, 434 S.E.2d 479 (1993)
- Jackson v. State, 258 Ga. 810(3), 375 S.E.2d 454 (1989)
- Gordon v. State, 273 Ga. 373(2), 541 S.E.2d 376 (2001)