

COURT OF APPEALS OF GEORGIA

Kendrick v. State

156 Ga. App. 27 (Ga. Ct. App. 1980) · Decided October 7, 1980

SUMMARY

The Georgia Court of Appeals affirmed L. D. Kendrick’s conviction for theft by receiving stolen property. It held that the trial court did not err in finding a neighboring juror qualified and impartial or in admitting evidence of other cow thefts and sales because the evidence was independently relevant to knowledge and intent.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Smith; McMurray; Banke
JURISDICTION	Georgia
DECIDED	October 7, 1980
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a jury conviction and sentence for theft by receiving stolen property.
STANDARD OF REVIEW	The appellate court reviewed the trial court's determination that the juror was qualified and impartial for error and examined the admission of character-related evidence for legal error.
PRECEDENTIAL VALUE	Published opinion
PARTIES	L. D. Kendrick v. State

TOPICS

- jury selection
- character evidence
- evidence
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- evidence

QUESTIONS PRESENTED

1. Whether the trial court erred in denying Kendrick's motion to strike for cause a juror who lived next door to the District Attorney and had incidental, non-case-related contact with him before trial.

2. Whether the trial court erred in admitting evidence of other cow thefts and other cow sales because the evidence placed Kendrick's character in issue.

HOLDINGS

1. The trial court did not err in finding the juror qualified and impartial and denying the motion to strike for cause; Kendrick showed no harm warranting reversal.
2. Evidence that incidentally placed Kendrick's character in issue was admissible because it was independently relevant to show knowledge, intent, motive, plan, scheme, or identity; the trial court therefore did not err in admitting evidence of other cow thefts and sales.

KEY QUOTATIONS

“Evidence which incidentally may place a criminal defendant’s character in issue is admissible if independently relevant, such as to show knowledge, motive, plans, intent, scheme or identity.” (28)

FACTUAL BACKGROUND

Over approximately three months, the victim, Mr. Wingard, reported numerous missing cows while Kendrick was selling cows at two nearby livestock auctions. Some of the cows were identified as stolen from Wingard, and cash receipts from the sales barns traced the cows to Kendrick. Kendrick challenged a juror who lived next door to the District Attorney and had incidental contact with him before trial, and he also challenged evidence concerning other cow thefts and sales.

PROCEDURAL HISTORY

Kendrick was convicted by a jury of theft by receiving stolen property and sentenced. The trial court denied his motion to strike a juror for cause after conducting an evidentiary hearing concerning the juror's contact with the District Attorney, and admitted evidence concerning other cattle thefts and cattle sales. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Dill v. State, 222 Ga. 793 (1), 152 S.E.2d 741 (1966)
- Garrett v. State, 153 Ga. App. 366, 370, 265 S.E.2d 304 (1980)
- Hanson v. State, 143 Ga. App. 200, 237 S.E.2d 699 (1977)
- Harden v. State, 81 Ga. App. 638, 59 S.E.2d 563 (1950)