

SUPREME COURT OF GEORGIA

Bennett v. State

822 S.E.2d 254 (Ga. 2018) · Decided December 10, 2018

SUMMARY

The Georgia Supreme Court affirmed Archie Edward Bennett’s convictions for felony murder, arson, and concealing a death. The court held that evidence of drugs found in the victim’s system was properly excluded absent competent evidence linking the drugs to her behavior, and that the record did not establish a violation of Bennett’s right to be present at trial.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Nahmias, Presiding Justice
JURISDICTION	Georgia
DECIDED	December 10, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from convictions for felony murder, first-degree arson, and concealing the death of another person after the trial court denied Bennett's motion for new trial.
STANDARD OF REVIEW	The court reviews evidentiary rulings for abuse of discretion. Sufficiency of the evidence is reviewed under whether, viewing the evidence in the light most favorable to the verdict, a rational jury could find the defendant guilty beyond a reasonable doubt. For the claim concerning presence at trial, the court applied a presumption that proceedings were conducted according to law absent affirmative evidence to the contrary.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; precedential.
PARTIES	Archie Edward Bennett v. State

TOPICS

- evidence
- self defense
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding evidence that the victim had Phentermine and Hydrocodone in her system when the defendant presented no expert or other competent evidence connecting the drugs to the victim's behavior.
2. Whether the defendant's constitutional right to be present at trial was violated because the transcript did not expressly state that he was present after three recesses.
3. Whether the evidence was sufficient to support the convictions for felony murder, arson, and concealing a death.

HOLDINGS

1. Evidence that a murder victim ingested drugs is inadmissible without competent evidence explaining how the substances affected the victim's behavior at the pertinent time. Because Bennett presented no such evidence, the trial court properly excluded the drug evidence.
2. The defendant did not demonstrate a violation of his right to be present because the record showed his presence on each trial day and contained no affirmative evidence that he was absent after the recesses.
3. The evidence was sufficient to authorize a rational jury to reject Bennett's changing accounts and find him guilty beyond a reasonable doubt of felony murder, arson, and concealing a death.

KEY QUOTATIONS

“Moreover, we presume that the trial was conducted according to law unless there is affirmative evidence to the contrary.” (257)

FACTUAL BACKGROUND

Shirley Bennett, appellant's ex-wife, was found dead in appellant's burned mobile home after being shot with a shotgun. Investigators determined that she died from the shooting before diesel fuel was ignited throughout the home. Bennett gave investigators changing accounts, eventually claiming that Shirley lunged at him during an argument and caused the shotgun to fire as he raised it in self-defense. The trial court excluded evidence that Phentermine and Hydrocodone were found in Shirley's system because Bennett presented no competent evidence explaining how the drugs affected her behavior.

PROCEDURAL HISTORY

A Pierce County grand jury indicted Bennett for malice murder, felony murder, first-degree arson, and concealing the death of another person. After a December 2009 jury trial, he was acquitted of malice murder and convicted of the remaining charges. The trial court imposed a life sentence for felony murder, twenty consecutive years for arson, and ten additional years for concealing the death. The trial court denied his motion for new trial in June 2018, and Bennett timely appealed. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Lowe v. State, 298 Ga. 810, 812, 783 S.E.2d 111 (2016)
- Vega v. State, 285 Ga. 32, 33, 673 S.E.2d 223 (2009)
- Smith v. State, 292 Ga. 620, 624, 740 S.E.2d 158 (2013)
- Dunn v. State, 292 Ga. 359, 361-362, 736 S.E.2d 392 (2013)
- Hawes v. State, 261 Ga. 164, 165, 402 S.E.2d 714 (1991)
- Johnson v. State, 302 Ga. 188, 198, 805 S.E.2d 890 (2017)
- White v. State, 302 Ga. 806, 808-809, 809 S.E.2d 749 (2018)
- Owens v. State, 303 Ga. 254, 258-260, 811 S.E.2d 420 (2018)