

SUPREME COURT OF GEORGIA

Carr v. State, 279 Ga. 271

612 S.E.2d 292 (2005) · No. S05A0393 · Decided April 26, 2005

SUMMARY

The Supreme Court of Georgia affirmed Christopher Carr's convictions for malice murder, armed robbery, and possession of a firearm by a convicted felon. The court held that the trial court properly excluded evidence that Carr's co-defendant may have committed a separate crime in the same apartment complex because the evidence neither directly connected the co-defendant to that crime nor established that it was sufficiently similar to the charged murder and robbery.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Sears, Presiding Justice
JURISDICTION	Georgia
DECIDED	April 26, 2005
DOCKET	S05A0393
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carr appealed his convictions for malice murder, armed robbery, and possession of a firearm by a convicted felon, challenging the trial court's exclusion of evidence that a co-defendant allegedly had committed a prior crime in the same apartment complex.
STANDARD OF REVIEW	The exclusion of the proffered third-party-guilt evidence was reviewed for abuse of discretion. The sufficiency of the evidence was viewed in the light most favorable to the verdict under the rational-trier-of-fact standard.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; binding precedent in Georgia.
PARTIES	Christopher Carr v. The State

TOPICS

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

PRACTICE AREAS

criminal law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding evidence that Carr's co-defendant, Harper, allegedly committed another crime in the same apartment complex.
2. Whether the evidence was sufficient for a rational trier of fact to find Carr guilty beyond a reasonable doubt.

HOLDINGS

1. Evidence offered to show that another person committed the charged crime is admissible only if it raises a reasonable inference of the defendant's innocence and directly connects the other person to the corpus delicti or shows that the other person recently committed a crime of the same or similar nature. Evidence that merely casts a bare suspicion or raises a conjectural inference is inadmissible.
2. The evidence was sufficient for a rational trier of fact to find Carr guilty beyond a reasonable doubt of the crimes for which he was convicted.

KEY QUOTATIONS

"Although a defendant is entitled to introduce relevant evidence tending to show that another person committed the crime for which he is being tried, the evidence "must raise a reasonable inference of the defendant's innocence, and must directly connect the other person with the corpus delicti, or show that the other person has recently committed a crime of the same or similar nature." (612 S.E.2d at 293)

"Evidence that merely casts a bare suspicion on another or raises a conjectural inference as to the commission of the crime by another is not admissible." (612 S.E.2d at 293)

FACTUAL BACKGROUND

Carr and co-defendants Emmett Harper and Steven Smith entered an apartment complex on August 25, 1998. The victim, Robert Trowell, was servicing coin-operated laundry machines in a common-area laundry room when Carr shot and killed him to take money from the machines. Carr testified that Harper and Smith planned the murder, that he did not participate, and that Harper was the shooter; Carr sought to support that account with evidence that Harper had committed another crime in the same complex.

PROCEDURAL HISTORY

Carr was indicted on October 26, 1999, and a jury found him guilty on November 5, 1999. The trial court vacated the felony-murder convictions by operation of law, merged the aggravated-assault conviction with malice murder, and imposed life sentences for malice murder and armed robbery plus five years for firearm possession. After the trial court denied Carr's motion for new trial on May 11, 2004, Carr appealed; the appeal was docketed in the Supreme Court of Georgia on October 28, 2004 and submitted on briefs on January 17, 2005.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Malcolm v. State, 263 Ga. 369, 372-374, 434 S.E.2d 479 (1993)
- Kline v. State, 269 Ga. 570, 573, 501 S.E.2d 810 (1998)
- Watson v. State, 278 Ga. 763, 771, 604 S.E.2d 804 (2004)
- Livingston v. State, 271 Ga. 714, 721, 524 S.E.2d 222 (1999)

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