

SUPREME COURT OF GEORGIA

Dixon v. State

294 Ga. 40 (2013) · Decided November 4, 2013

SUMMARY

The Georgia Supreme Court affirmed Jarmarvis Dixon’s convictions and sentences arising from the murder and robbery of Thomas Vinson. The court held that Dixon’s January 3, 2007 custodial interview was admissible because he had not shown a prior invocation of the right to counsel and, in any event, had initiated communication through a third party. The court also rejected Dixon’s ineffective-assistance and sufficiency-of-the-evidence claims, concluding that the evidence supported his liability as a party to the crimes.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hines, Presiding Justice; All the Justices
JURISDICTION	Georgia
DECIDED	November 4, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dixon appealed his convictions and sentences for malice murder and related crimes, asserting that custodial statements should have been suppressed, that trial counsel was ineffective, and that the evidence was insufficient.
STANDARD OF REVIEW	The court accepted the trial court's factual findings and credibility determinations unless clearly erroneous and independently applied the governing legal principles. For sufficiency of the evidence, the court did not reweigh evidence or resolve credibility conflicts and instead determined whether a rational trier of fact could find guilt beyond a reasonable doubt, viewing the evidence in the light most favorable to the verdict. Ineffective-assistance claims were reviewed under the performance-and-prejudice test.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Jarmarvis Dixon v. State of Georgia

TOPICS

criminal procedure

miranda rights

right to counsel

ineffective assistance

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether Dixon's January 3, 2007 custodial interview violated a previously invoked Fifth Amendment right to counsel or the Sixth Amendment right to counsel.
2. Whether trial counsel was ineffective for failing to object during the State's opening statement to a purported character-related remark attributed to Dixon.
3. Whether the evidence was sufficient to support Dixon's convictions for malice murder and possession of a firearm during the commission of a felony under Georgia's parties-to-a-crime doctrine.
4. Whether information obtained during Dixon's interview, including the location of Vinson's stolen cell phone, was fruit of the poisonous tree.

HOLDINGS

1. The trial court properly refused to suppress Dixon's statements because the record did not show that Dixon had previously invoked his Fifth Amendment right to counsel. Even assuming a prior invocation, Dixon validly waived the previously invoked right by initiating communication with police through his cousin.
2. Dixon failed to establish ineffective assistance because counsel moved to exclude the challenged statement on the merits, the trial court did not rely on the lack of an opening-statement objection in admitting the evidence, and the jury was instructed that opening statements were not evidence.
3. The evidence was sufficient to authorize the jury to find Dixon guilty beyond a reasonable doubt of malice murder and possession of a firearm during the commission of a felony, even if Dixon was not the shooter, because the jury could find that he intentionally aided or abetted the crimes and shared the necessary criminal intent.
4. Dixon was not entitled to suppress information obtained during the interview, including the location of Vinson's stolen cell phone, because the interview was not unlawfully obtained.

KEY QUOTATIONS

“an accused may waive the previously-invoked, right [to counsel] by initiating further communication with the police.” (42)

“The evidence was sufficient to enable a rational trier of fact to find Dixon guilty beyond a reasonable doubt of malice murder and possession of a firearm during the commission of a felony, as well as all of the other crimes of which he was convicted.” (45)

FACTUAL BACKGROUND

Dixon and Ronregus Watts approached Thomas Vinson at a rental house, assaulted and robbed him, took his truck, and Watts shot Vinson inside the house. Dixon later told his cousin that he and Watts had killed Vinson and showed her Vinson's obituary and credit card, which the men used at a grocery store. Dixon was arrested with Vinson's credit card, and DNA on Dixon's clothing matched Vinson's DNA.

PROCEDURAL HISTORY

A Fulton County grand jury indicted Dixon and Ronregus Watts on multiple murder, assault, robbery, burglary, vehicle hijacking, firearm, and transaction-card charges. Dixon was tried before a jury from April 7 through April 14, 2008, convicted of all submitted charges, and sentenced on April 28, 2008. The trial court denied Dixon's repeatedly amended motion for new trial on January 25, 2013. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Edwards v. Arizona, 451 U.S. 477, 484-485 (1981)
- Sosniak v. State, 287 Ga. 279, 285 (1) (B) (2010)
- Montejo v. Louisiana, 556 U.S. 778 (2009)
- Tesfaye v. State, 275 Ga. 439, 441 (2) (2002)
- Borders v. State, 270 Ga. 804, 809 (3) (1999)
- Harvell v. State, 275 Ga. 129, 130 (2) (2002)
- Stokes v. State, 281 Ga. 825, 831 (6) (2007)
- Smith v. Francis, 253 Ga. 782, 783-784 (1) (1985)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Robinson v. State, 277 Ga. 75, 76 (2003)
- Simmons v. State, 291 Ga. 705, 714 (10) (d) (2012)
- Conway v. State, 281 Ga. 685, 687 (1) (2007)
- Stahl v. State, 284 Ga. 316, 319 (2008)
- Williams v. State, 262 Ga. 677 (1) (1993)
- Parks v. State, 272 Ga. 353, 354 (2000)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- Vergara v. State, 283 Ga. 175, 182-183 (2) (2008)
- Malcolm v. State, 263 Ga. 369, 371-374 (4), (5) (1993)
- Miranda v. Arizona, 384 U.S. 436 (1966)