

SUPREME COURT OF GEORGIA

Rountree v. State

Rountree · No. S23A0531 · Decided June 21, 2023

SUMMARY

The Supreme Court of Georgia affirmed Quavion S. Rountree’s conviction for malice murder arising from the shooting death of Anahitdeep Singh Sandhu. The court held that Rountree’s claims concerning omitted instructions on voluntary manslaughter and mutual combat were subject only to plain-error review because he did not object after the charge was given. The court further concluded that the evidence did not show serious provocation or mutual combat warranting either instruction.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Ellington, Justice; All Justices
JURISDICTION	Georgia
DECIDED	June 21, 2023
DOCKET	S23A0531
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rountree appealed his convictions for malice murder, felony murder, and aggravated assault, challenging the trial court's failure to instruct the jury on voluntary manslaughter and mutual combat.
STANDARD OF REVIEW	Because Rountree did not object to the charge as given after the trial court instructed the jury, both instructional claims were reviewed for plain error. Reversal requires an erroneous instruction, an obvious error, a likely effect on the outcome, and an error seriously affecting the fairness, integrity, or public reputation of judicial proceedings.
PRECEDENTIAL VALUE	published opinion
PARTIES	Quavion S. Rountree v. The State

TOPICS

- lesser included offense instructions
- jury instructions
- preservation of error
- standard of review
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether Rountree preserved for ordinary appellate review his claim that the trial court improperly omitted a voluntary-manslaughter instruction.
2. Whether the trial court committed plain error by failing to instruct the jury on voluntary manslaughter.
3. Whether the trial court committed plain error by failing to instruct the jury on mutual combat.
4. Whether Rountree adequately presented a challenge to the sufficiency of the evidence.

HOLDINGS

1. An objection made at the charge conference does not preserve an objection to the charge as later given when the defendant fails to object after the jury is instructed; a subsequent statement that there are no objections means the claim is reviewed only for plain error.
2. The trial court did not plainly err by failing to instruct the jury on voluntary manslaughter because the evidence did not show serious provocation sufficient to produce sudden, violent, and irresistible passion in a reasonable person.
3. The trial court did not plainly err by failing to instruct the jury on mutual combat because the evidence did not show that both Rountree and Sandhu had a willingness, readiness, and intention to fight.
4. The sufficiency-of-the-evidence claim was not adequately presented because Rountree merely made a passing request for review without explaining why the evidence was insufficient or identifying an unproved element.

KEY QUOTATIONS

“Objections at a charge conference do not suffice to preserve objections to the charge as subsequently given.”
(4)

“Because of Rountree’s failure to make any objection to the charge as given, both his contention relating to the trial court’s omission of his requested instruction on voluntary manslaughter and his contention regarding omission of an instruction on mutual combat can be reviewed only for plain error.” (5)

“Even slight evidence showing that the victim seriously provoked the defendant requires the trial court to give a requested charge on voluntary manslaughter.” (6)

“To put it simply, words alone generally are not sufficient provocation to excite the passion necessary to give rise to voluntary manslaughter.” (7)

“there was no evidence whatsoever of serious provocation sufficient to excite a sudden, violent, and irresistible passion in a reasonable person such that Rountree would have been entitled to a jury instruction on voluntary manslaughter.” (9)

“Evidence of self-defense does not support a jury instruction on mutual combat as a basis for voluntary manslaughter.” (10)

FACTUAL BACKGROUND

Rountree encountered Anahitdeep Singh Sandhu at Rountree's apartment during a proposed exchange involving prescription codeine medication and ecstasy pills. Rountree later obtained a pistol from Delvin Ross, threatened to shoot people who tried to restrain him, confronted Sandhu, and shot him several times when Sandhu lowered his hands toward a gun in his waistband. Rountree testified that he feared for himself and his children, believed Sandhu threatened him, and acted in self-defense; the jury was instructed on justification.

PROCEDURAL HISTORY

A Houston County grand jury indicted Rountree and Delvin Ross for malice murder, felony murder, and aggravated assault. Rountree was tried separately before a jury from June 21 to 23, 2021, convicted on all counts, and sentenced to life imprisonment for malice murder. The trial court denied his amended motion for a new trial, and Rountree timely appealed. The Supreme Court of Georgia reviewed the unpreserved jury-instruction claims for plain error and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Malcolm v. State*, 263 Ga. 369, 372 (4) (434 SE2d 479) (1993)
- *Calmer v. State*, 309 Ga. 368, 368 n.1 (846 SE2d 40) (2020)
- *Charles v. State*, 315 Ga. 651, 654-655 (2) (884 SE2d 363) (2023)
- *Carruth v. State*, 290 Ga. 342, 347 (6) (721 SE2d 80) (2012)
- *Davis v. State*, 312 Ga. 870, 873-874 (2) (866 SE2d 390) (2021)
- *Anderson v. State*, 309 Ga. 618, 622-623 (3) (847 SE2d 572) (2020)
- *Behl v. State*, 315 Ga. 814, 816 (1) (885 SE2d 7) (2023)
- *Merritt v. State*, 292 Ga. 327, 331 (2) (737 SE2d 673) (2013)
- *Ramirez v. State*, 307 Ga. 550, 553 (2) n.2 (837 SE2d 328) (2019)
- *Ware v. State*, 303 Ga. 847, 850 (III) (815 SE2d 837) (2018)
- *Hudson v. State*, 308 Ga. 443, 446 (2) (a) (841 SE2d 696) (2020)
- *Tidwell v. State*, 312 Ga. 459, 463 (1) (863 SE2d 127) (2021)
- *Williams v. State*, 309 Ga. 212, 217-218 (2) (845 SE2d 573) (2020)
- *Venturino v. State*, 306 Ga. 391, 398 (3) (830 SE2d 110) (2019)
- *Blackwell v. State*, 302 Ga. 820, 823 (2) (809 SE2d 727) (2018)