

SUPREME COURT OF GEORGIA

Jones v. State, 276 Ga. 663

581 S.E.2d 546 (2003) · No. S03A0220 · Decided June 2, 2003

SUMMARY

The Supreme Court of Georgia affirmed in part and remanded in part the denial of Daryl Jones's motion for a new trial following convictions arising from a fatal shooting. The court held that the evidence was sufficient, that bifurcated proceedings did not violate double jeopardy, and that the ineffective-assistance claim required a remand for a hearing because it had not been raised in the trial court.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Justice; All Justices
JURISDICTION	Georgia
DECIDED	June 2, 2003
DOCKET	S03A0220
DISPOSITION	other
PROCEDURAL POSTURE	Jones appealed the denial of his amended motion for new trial following convictions for voluntary manslaughter and felony murder based on possession of a firearm by a convicted felon.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether, viewing the evidence in the light most favorable to the verdict, a rational trier of fact could find the defendant guilty beyond a reasonable doubt. The legal question whether a claim is procedurally barred and the application of double-jeopardy principles are reviewed as questions of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Daryl Jones v. The State

TOPICS

- criminal procedure
- double jeopardy
- ineffective assistance
- appellate procedure
- standard of review

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Jones's convictions.
2. Whether submitting the felony-murder charge to the jury after the jury had found Jones guilty of voluntary manslaughter on the malice-murder count violated double jeopardy.
3. Whether Jones could assert ineffective assistance of trial counsel for the first time on appeal when the claim had not been raised in the trial court or in the amended motion for new trial.

HOLDINGS

1. The evidence was sufficient to enable a rational trier of fact to find Jones guilty beyond a reasonable doubt of the offenses for which he was convicted.
2. Submitting the felony-murder charge after the jury had returned a verdict of voluntary manslaughter on the malice-murder count did not violate double jeopardy.
3. Jones was procedurally barred from asserting ineffective assistance of trial counsel for the first time on appeal because he had not raised the issue in the trial court and no hearing had been held on it; however, the case had to be remanded for a hearing on the claim.

KEY QUOTATIONS

“Viewed to support the jury verdict, we find the evidence adduced at trial was sufficient to enable a rational trier of fact to find appellant guilty beyond a reasonable doubt of all of the crimes of which he was convicted.” (547)

“Appellant was placed in jeopardy and convicted only once and, therefore, his conviction for felony murder was not barred by double jeopardy.” (548)

FACTUAL BACKGROUND

Daryl Jones fatally shot Gerald Lattimore in the head after walking toward him and pulling a gun concealed under his shirt. Eyewitnesses testified that there had been no provocation before the shooting, while Jones claimed Lattimore had threatened him and his girlfriend the prior night. Jones was prosecuted in a bifurcated trial and convicted of voluntary manslaughter and felony murder based on possession of a firearm by a convicted felon.

PROCEDURAL HISTORY

Jones was indicted in Bibb County, tried before a jury in a bifurcated proceeding, and found guilty of voluntary manslaughter as a lesser included offense of malice murder and of felony murder based on possession of a firearm by a convicted felon. The trial court sentenced him to life imprisonment without parole for felony murder, denied his motion for new trial as amended, and Jones appealed. The Supreme Court of Georgia affirmed in part and remanded in part for a hearing on the ineffective-assistance claim.

DISPOSITION

other

REMAND INSTRUCTIONS

Remand for a hearing on Jones's ineffective-assistance-of-trial-counsel claim.

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Head v. State, 253 Ga. 429(3), 322 S.E.2d 228 (1984)
- Morris v. State, 264 Ga. 823(4), 452 S.E.2d 100 (1995)
- Turner v. State, 152 Ga. App. 354, 262 S.E.2d 618 (1979)
- Johnson v. State, 259 Ga. 428(3), 383 S.E.2d 115 (1989)

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