

SUPREME COURT OF GEORGIA

Sanders v. State, 283 Ga. 372

659 S.E.2d 376 (2008) · No. S08A0464 · Decided March 31, 2008

SUMMARY

The Supreme Court of Georgia affirmed David Sanders's convictions for malice murder and possession of a knife during the commission of a crime, while vacating the felony-murder conviction and concurrent sentence. The court rejected Sanders's claims of ineffective assistance of counsel, including challenges concerning jury arguments, alleged evidence tampering, and the mutual-combat jury instruction. It also held that his challenge to the sufficiency of the evidence supporting child cruelty was moot because he had been acquitted of those charges.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice
JURISDICTION	Georgia
DECIDED	March 31, 2008
DOCKET	S08A0464
DISPOSITION	other
PROCEDURAL POSTURE	Sanders appealed the denial of his motion for new trial following convictions for malice murder, felony murder, and possession of a knife during the commission of a crime. He challenged the sufficiency of the evidence and alleged ineffective assistance of trial counsel.
STANDARD OF REVIEW	The sufficiency of the evidence is reviewed under whether a rational trier of fact could find the defendant guilty beyond a reasonable doubt. Ineffective-assistance claims require proof of deficient performance and resulting prejudice, and counsel's conduct is strongly presumed to fall within the broad range of reasonable professional conduct.
PRECEDENTIAL VALUE	Published opinion; precedential Supreme Court of Georgia decision.
PARTIES	David Sanders v. State

TOPICS

- ineffective assistance
- jury instructions
- criminal procedure
- appellate procedure
- evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support the convictions for malice murder and possession of a knife during the commission of a crime.
2. Whether the felony-murder conviction and concurrent life sentence could stand alongside the malice-murder conviction.
3. Whether Sanders's challenge to the sufficiency of the evidence supporting a child-cruelty charge was moot after his acquittal on that charge.
4. Whether trial counsel was ineffective for failing to identify an evidentiary discrepancy, investigate alleged evidence tampering, object to the mutual-combat jury instruction, or reserve objections to the jury charge.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Sanders guilty beyond a reasonable doubt of malice murder and possession of a knife during the commission of a crime.
2. A defendant may be sentenced on either a malice-murder or felony-murder guilty verdict arising from a single homicide, but not both; the felony-murder conviction and its concurrent life sentence therefore had to be vacated by operation of law.
3. The challenge to the sufficiency of the evidence supporting the child-cruelty charge was moot because Sanders had been acquitted of that charge.
4. The ineffective-assistance claims failed because Sanders made no affirmative showing that counsel's challenged decisions were not conscious and deliberate trial strategy, particularly where trial counsel did not testify at the motion-for-new-trial hearing.
5. The evidence-tampering ineffective-assistance claim failed because the alleged tampering rested on speculation and Sanders could not show a reasonable probability of a different outcome.
6. Counsel's failure to reserve objections to the jury charge did not constitute ineffective assistance because the mutual-combat charge was not objectionable under the circumstances and the charge benefited Sanders by authorizing a voluntary-manslaughter verdict.

KEY QUOTATIONS

"To prevail on a claim of ineffective assistance of trial counsel, appellant "must show counsel's performance was deficient and that the deficient performance prejudiced him to the point that a reasonable probability exists that, but for counsel's errors, the outcome of the trial would have been different." (659 S.E.2d at 379)

"A charge on mutual combat "is warranted only when the combatants are armed with deadly weapons and mutually agree to fight."" (659 S.E.2d at 379-380)

FACTUAL BACKGROUND

Sanders and his wife became involved in a heated argument at their home. The wife's daughter saw Sanders straddling the victim and making punching motions, and the victim died from stab wounds that punctured her liver and lung; a bloody serrated knife was found in the apartment. Sanders testified that the victim lunged at him with a butcher knife, that they struggled over it, and that he stabbed her after she lost consciousness.

PROCEDURAL HISTORY

A Cobb County grand jury indicted Sanders in 2003. Following trial in September 2003, the jury found him guilty of malice murder, felony murder, and possession of a knife during the commission of a crime; the trial court imposed concurrent life sentences for the murder convictions and a consecutive five-year sentence for the weapon conviction. The trial court denied Sanders's amended motion for new trial in January 2007, and the Supreme Court of Georgia affirmed in part and vacated in part.

DISPOSITION

other

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(4), 434 S.E.2d 479 (1993)
- Willingham v. State, 279 Ga. 886(3), 622 S.E.2d 343 (2005)
- Mack v. State, 283 Ga. App. 172, 173 n.10, 641 S.E.2d 194 (2007)
- Pruitt v. State, 282 Ga. 30(4), 644 S.E.2d 837 (2007)
- Cherry v. State, 283 Ga. App. 700(1a), 642 S.E.2d 369 (2007)
- Nichols v. State, 281 Ga. 483(2a), 640 S.E.2d 40 (2007)
- Archie v. State, 248 Ga. App. 56(2), 545 S.E.2d 179 (2001)
- McDaniel v. State, 279 Ga. 801(2c), 621 S.E.2d 424 (2005)
- Tillman v. Massey, 281 Ga. 291(1), 637 S.E.2d 720 (2006)
- Hudson v. State, 280 Ga. 123(2), 623 S.E.2d 497 (2005)
- Carreker v. State, 273 Ga. 371(2), 541 S.E.2d 364 (2001)
- Sinkfield v. State, 266 Ga. 726(2), 470 S.E.2d 649 (1996)
- Hall v. State, 273 Ga. App. 203(3), 614 S.E.2d 844 (2005)
- Fleming v. State, 273 Ga. 837(2), 546 S.E.2d 273 (2001)
- Moses v. State, 270 Ga. 127(6), 508 S.E.2d 661 (1998)
- Holcomb v. State, 268 Ga. 100(6), 485 S.E.2d 192 (1997)