

SUPREME COURT OF GEORGIA

Bradley v. State

281 Ga. 173 (2006) (Ga. 2006) · No. S06A0725 · Decided October 30, 2006

SUMMARY

The Supreme Court of Georgia affirmed Albert Bradley's malice murder conviction and the denial of his motion for a new trial. The court held that the trial court properly admitted a pre-autopsy photograph of the victim's head because it was relevant and material to the State's proof of the charged homicide.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Hunstein, Presiding Justice; All Justices
JURISDICTION	Georgia
DECIDED	October 30, 2006
DOCKET	S06A0725
DISPOSITION	affirmed
PROCEDURAL POSTURE	Albert Bradley appealed from the denial of his motion for new trial following his convictions for malice murder, felony murder, and aggravated assault with a deadly weapon.
STANDARD OF REVIEW	The sufficiency of the evidence was reviewed under the Jackson v. Virginia standard. The admission of the crime-scene photograph was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion
PARTIES	Albert Bradley v. The State

TOPICS

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

PRACTICE AREAS

- criminal procedure
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Bradley's conviction for malice murder.
2. Whether the trial court erred in denying a mistrial after admitting a pre-autopsy photograph of the victim's head taken at the crime scene.

HOLDINGS

1. The evidence was sufficient for a rational trier of fact to find Bradley guilty of malice murder beyond a reasonable doubt.
2. The trial court did not abuse its discretion in admitting the photograph because it was relevant and material to the issue of whether Bradley caused the victim's death by shooting her in the head; the denial of a mistrial was therefore not error.

KEY QUOTATIONS

“[I]f pre-autopsy photographs are relevant and material to any issue in the case, they are admissible even if they are duplicative and may inflame the jury. [Cit.] Photographs showing the extent and nature of the victim's wounds are material and relevant. [Cit.] This is not altered by the fact that the cause of death may not be in dispute. [Cit.]” (637 S.E.2d at 20)

FACTUAL BACKGROUND

Bradley and the victim, Donna Williams, lived together in Bradley's apartment. On the day of the murder, after a brief interaction concerning the victim's car, Bradley returned to the apartment, came outside with a .38 caliber revolver, and shot the unarmed victim once in the head while she sat on the porch. Children who witnessed the shooting testified that the victim did not threaten or argue with Bradley and had no time to react.

PROCEDURAL HISTORY

Bradley was indicted in Fulton County, convicted on all charges, and sentenced to life imprisonment for murder. The trial court denied his motion for new trial, and Bradley appealed, challenging the admission of photographic evidence.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Smith v. State, 280 Ga. 490, 492(2), 629 S.E.2d 816 (2006)
- Goss v. State, 255 Ga. 678, 680(1), 341 S.E.2d 448 (1986)
- Joyner v. State, 280 Ga. 37(4), 622 S.E.2d 319 (2005)

OPINION

HUNSTEIN, J.

637 S.E.2d 19 (2006) BRADLEY v. The STATE. No. S06A0725. Supreme Court of Georgia. October 30, 2006. Carl P. Greenberg, Atlanta, for Appellant. Paul L. Howard, Jr., Dist. Atty., Bettianne C. Hart, Deputy Dist. Atty., Marc A. Mallon, Asst. Dist. Atty., Thurbert E. Baker, Atty. Gen., Jason Charles Fisher, Asst. Atty. Gen., for Appellee. HUNSTEIN, Presiding Justice.

Albert Bradley was convicted of malice murder in the shooting death of Donna Williams. He appeals from the denial of his motion for new trial, challenging the admission of photographic evidence.[1] Finding no error, we affirm. *20 1.

The jury was authorized to find that the victim and her children had been living with appellant in his apartment for approximately a year. On the day of the murder, the victim drove back home from an Easter egg hunt with her young son and sat down to talk with a neighbor, Bettie Jean Bailey, on the front porch as her son joined other children to play outside.

Bailey testified that appellant came outside, stated he was going to "park [the victim's] car straight" and became upset for reasons unknown. The victim remained calm and did not respond. Appellant then changed his mind about re-parking the car, gave the victim the car keys and went back into the apartment. Shortly after Bailey returned to her own apartment, appellant came outside with a .38 caliber revolver and fatally shot the unarmed victim once in the head.

Children who witnessed the shooting testified that appellant and the victim were not "fussing"; that appellant fired the weapon from the doorway of the apartment as the victim sat on the porch; and that the victim had no time to react.

We conclude that this evidence amply enabled a rational trier of fact to find appellant guilty of malice murder beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). 2.

We find no error in the trial court's denial of appellant's motion for mistrial based on the introduction of State's Exhibit 29, a photograph of the victim's head taken at the crime scene. "[I]f pre-autopsy photographs are relevant and material to any issue in the case, they are admissible even if they are duplicative and may inflame the jury. [Cit.] Photographs showing the extent and nature of the victim's wounds are material and relevant.

[Cit.] This is not altered by the fact that the cause of death may not be in dispute. [Cit.]" *Smith v. State*, 280 Ga. 490, 492(2), 629 S.E.2d 816 (2006). The State had the burden to prove beyond a reasonable doubt that appellant caused the death of Donna Williams with malice aforethought.

The State's contention was that he had done so by shooting a single shot into the victim's head with a .38 revolver. "The photograph[was] relevant to this issue." *Goss v. State*, 255 Ga. 678, 680(1), 341 S.E.2d 448 (1986).

The trial court did not abuse its discretion in admitting State's Exhibit 29. *Joyner v. State*, 280 Ga. 37(4), 622 S.E.2d 319 (2005). Judgment affirmed. All the Justices concur. NOTES [1] The crimes occurred on April 14, 2001. Bradley was indicted June 29, 2001 in Fulton County on charges of murder, felony murder and aggravated assault with a deadly weapon. He was found guilty of all charges on March 20, 2002 and was sentenced that day to life imprisonment for murder.

His motion for new trial, also filed March 20, 2002, was denied April 11, 2005. A notice of appeal was filed May 2, 2005. The appeal was docketed in this Court on December 29, 2005 and was submitted for decision on the briefs.