

SUPREME COURT OF GEORGIA

Phillips v. State, 285 Ga. 213

675 S.E.2d 1 (2009) · No. S08A1500 · Decided February 9, 2009

SUMMARY

The Supreme Court of Georgia affirmed Renaldo Tramone Phillips's convictions and consecutive life sentences for malice murder and armed robbery. The court addressed the admission of an unwarned custodial statement, alleged improper use of prior convictions and character evidence, jury-instruction issues, and ineffective assistance of counsel. It held that any error concerning the statement was harmless and that counsel's deficiencies did not establish prejudice.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Benham, Justice; Hunstein, Presiding Justice
JURISDICTION	Georgia
DECIDED	February 9, 2009
DOCKET	S08A1500
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for malice murder and armed robbery and consecutive life sentences, including claims of evidentiary error, Miranda violation, improper use of prior convictions, and ineffective assistance of trial counsel.
STANDARD OF REVIEW	Sufficiency of the evidence was reviewed under whether a rational trier of fact could find guilt beyond a reasonable doubt. Miranda admissibility and evidentiary claims were reviewed for legal error, subject to harmless-error analysis where applicable. Ineffective-assistance claims were reviewed under the deficient-performance and reasonable-probability-of-a-different-outcome standard, with deference to reasonable trial strategy and tactics.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; binding precedent within Georgia subject to subsequent treatment.
PARTIES	Renaldo Tramone Phillips v. State

TOPICS

criminal procedure

miranda rights

suppression of evidence

ineffective assistance

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Phillips's convictions for malice murder and armed robbery.
2. Whether the trial court erred by admitting Phillips's pre-Miranda statement made after the detective informed him that his friend had implicated him as the triggerman.
3. Whether the State improperly placed Phillips's character in evidence by referring to his prior robbery conviction and introducing the conviction documents.
4. Whether the trial court was required, without a request, to instruct the jury that prior convictions admitted during Phillips's testimony could be considered only for impeachment.
5. Whether trial counsel rendered ineffective assistance through the alleged failures identified by Phillips.
6. Whether the cumulative effect of counsel's alleged errors prejudiced Phillips and violated his constitutional rights.

HOLDINGS

1. The evidence was sufficient to authorize a rational trier of fact to find Phillips guilty of malice murder and armed robbery beyond a reasonable doubt.
2. A suspect's response to a detective's summary of incriminating evidence may constitute the functional equivalent of custodial interrogation under Miranda, even when the detective did not ask an express question and the response is not facially incriminating.
3. When prior convictions are admitted to impeach a testifying defendant and were not obtained in violation of constitutional self-incrimination rights, the trial court is not required to give a limiting instruction absent a request.
4. Phillips failed to establish that counsel's deficient performance created a reasonable probability of a different trial outcome, even when the court considered the combined effect of the deficiencies it found or assumed.

KEY QUOTATIONS

*"The evidence was sufficient to authorize a rational trier of fact to find appellant guilty of malice murder and armed robbery beyond a reasonable doubt." (*5)*

*"A statement obtained in violation of Miranda is inadmissible in the State's case-in-chief, regardless of whether said statement is incriminating" (*6)*

"were the detective's words and action of informing appellant that his friend had implicated appellant as the triggerman in a murder something the detective should have known were reasonably likely to elicit a response

*from appellant that could be used by the prosecution in its case-in-chief?” (*6)*

*“After considering the combined effect of those deficiencies, we conclude that appellant did not establish there is a reasonable probability that, but for counsel’s errors, the outcome of his trial would have been different.” (*11)*

FACTUAL BACKGROUND

Mamadou Bah was fatally shot while seated in his vehicle near the mailboxes of his apartment complex. Phillips’s fingerprints were found on the vehicle, and his co-indictee testified that Phillips robbed Bah, removed Bah’s shoes and pants, and fired several shots at the vehicle as they departed. Letters purportedly written by Phillips while incarcerated expressed regret and discussed the State’s case. Phillips was convicted of malice murder and armed robbery and sentenced to consecutive life terms.

PROCEDURAL HISTORY

Phillips was indicted in DeKalb County in 2006 for murder-related offenses, armed robbery, aggravated assault, and possession of a firearm during the commission of a crime by a convicted felon. After a January 2007 trial, the trial court directed a verdict on the firearm-possession charge, the jury convicted him of malice murder and armed robbery, and the court imposed consecutive life sentences; other convictions were vacated or merged. The trial court denied Phillips’s amended motion for new trial in January 2008, and Phillips appealed. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979)
- Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- Rhode Island v. Innis, 446 U.S. 291, 100 S. Ct. 1682, 64 L. Ed. 2d 297 (1980)
- Gardner v. State, 261 Ga. App. 10, 582 S.E.2d 7 (2003)
- State v. Byrd, 255 Ga. 665, 341 S.E.2d 455 (1986)
- Pruitt v. State, 282 Ga. 30, 644 S.E.2d 837 (2007)
- Schofield v. Holsey, 281 Ga. 809, 642 S.E.2d 56 (2007)
- Schofield v. Cook, 284 Ga. 240, 663 S.E.2d 221 (2008)
- Rogers v. State, 282 Ga. 659, 653 S.E.2d 31 (2007)
- Frazier v. State, 278 Ga. 297, 602 S.E.2d 588 (2004)
- Harris v. State, 279 Ga. 522, 615 S.E.2d 532 (2005)
- Wright v. State, 274 Ga. 730, 559 S.E.2d 437 (2002)
- Caylor v. State, 255 Ga. App. 362, 566 S.E.2d 33 (2002)
- Head v. State, 253 Ga. 429, 322 S.E.2d 228 (1984)

- Ross v. State, 279 Ga. 365, 614 S.E.2d 31 (2005)
- Jones v. State, 280 Ga. 205, 625 S.E.2d 1 (2005)
- Van Alstine v. State, 263 Ga. 1, 426 S.E.2d 360 (1993)
- Thomas v. State, 284 Ga. 647, 670 S.E.2d 421 (2008)
- Truitt v. State, 174 Ga. App. 687, 331 S.E.2d 64 (1985)

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