



Supreme Court of Georgia

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SUMMARIES OF OPINIONS

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ALLABEN V. THE STATE (S16A0166)

A man who has been convicted twice in **DeKalb County** of murdering his wife will get a third trial under a decision today by the Supreme Court of Georgia.

In this high-profile case, the high court has again reversed the conviction of Dennis Allaben for the 2010 strangling death of his wife, Maureen Allaben. In a unanimous opinion, written by **Justice Carol Hunstein**, the Court concludes the trial court erred by prohibiting the defense attorney from eliciting the complete statement of a witness which would have supported Allaben's claim that he had never intended to kill his wife.

"Accordingly, the trial court abused its discretion when it excluded [the witness's] testimony, and this ruling constitutes reversible error," the opinion says.

According to the facts, Allaben admitted he killed his wife but said he didn't mean to. He merely wanted "to put her to sleep, tie her up, and then confront her about what he believed was her adulteration of his food," according to briefs filed in his first appeal. On Jan. 3, 2010, she died after he put her in a chokehold. He then rolled her up in blankets bound with duct tape and put her body in the bed of his Ford pick-up truck. With his 7 and 8-year-old children, he drove to his brother's house in Chesterfield, VA, telling his children on the way that he had killed their mother. Arriving unannounced, he told his sister-in-law that his wife had videotaped him performing sex acts and had given the video to a party of 30 or so gay men. The sister-in-law testified in the first trial he told her that while they watched the video, his wife collected the semen and then used it to poison his food and milk. Allaben told his sister-in-law that he had put a cloth with ether over his wife's mouth, hoping she would go to sleep so he could tie her up, then force her to tell him the truth about what she was doing. But he said the cloth went too far

down her throat and she choked to death. After leaving his children in Virginia, Allaben returned the next morning to Georgia where he went to the home of a friend, Jon Kevin Crane, and told him his wife's body was in the back of his truck. Crane eventually called his neighbor, who was a police officer, and authorities arrested Allaben after finding his wife's frozen body in the back of his truck.

In his first trial in 2011, a jury found Allaben guilty of malice murder, felony murder, aggravated assault with intent to murder, battery, simple battery, and reckless conduct. But in 2013, the Georgia Supreme Court unanimously reversed his conviction for malice murder, set aside the other verdicts and sent the case back to the trial court for further proceedings, finding that the jury's guilty verdict of reckless conduct was "mutually exclusive" of the other verdicts. While reckless conduct requires the jury to find that a defendant acted with criminal negligence and did not intend to injure or kill the victim, the other charges require the jury to find that he did intend to kill or injure the victim.

In Allaben's second trial, the jury heard testimony from the medical examiner who performed the autopsy on Maureen Allaben. The medical examiner testified he had found signs of asphyxia due to strangulation, including petechial hemorrhages on the face and eyes, and bruises on the neck and jawbone. While there was evidence of a high level of Benadryl and ether, an anesthetic, in her system, there was no evidence she had choked on a foreign object such as a cloth. The medical examiner concluded that Maureen Allaben had been strangled to death by a "carotid sleeper hold" by someone who had approached her from behind, wrapped an arm around her neck and applied pressure by squeezing her neck with the other hand.

In August 2014, a DeKalb County jury again convicted Allaben of the malice murder and felony murder of his wife. And Allaben again appealed to the Georgia Supreme Court, arguing that the evidence was insufficient to support his conviction.

In this appeal, his attorney argued the State failed to "exclude all reasonable hypotheses except that of his guilt," by failing to exclude the possibility that Allaben used the sleeper hold only to subdue his wife and did not intend to kill her.

But in today's opinion, the high court disagrees, finding "the evidence was sufficient to enable a rational trier of fact to find Appellant guilty beyond a reasonable doubt of malice murder."

"The mere fact that the jury heard testimony that a sleeper hold does not *usually* result in death did not prevent the jury from concluding that Appellant utilized this maneuver with intent to effectuate his wife's death," the opinion says. "Moreover, the jury heard evidence that the victim: was only partially clothed; showed no signs of having defended herself; and was affected by substances that could have rendered her incapacitated prior to her death. The jury also heard testimony that Appellant utilized a sleeper hold long enough to kill the victim and leave innumerable hemorrhages on her face."

But the Supreme Court agrees with Allaben's argument that the trial court erred by prohibiting Allaben's attorney from eliciting a full statement from Allaben's friend, Crane. While Crane was permitted to testify that Allaben had arrived at his house unexpectedly, claiming to need an attorney because his wife was dead in the bed of his truck, the court prohibited the attorney from getting Crane's complete statement. As a result, the jury did not hear that during their lengthy conversation, Allaben had told Crane that his wife had been

unfaithful and “that he didn’t mean for [her death] to happen, that he loved her so much and [her death] was not what he wanted.”

On appeal, Allaben’s attorney argued that under the “rule of completeness,” this testimony should have been admitted as evidence. “We agree,” today’s opinion says.

Under the Georgia Code, “When an admission is given in evidence by one party, it shall be the right of the other party to have the whole admission and all the conversation connected therewith admitted into evidence,” the opinion says. “This ‘rule of completeness’ is a ‘universal rule, [applicable] in both civil and criminal cases that if part of a conversation is introduced, all that is said in the same conversation which is relevant to the issue should be admitted.” Here, while the trial judge concluded that the excluded portion of Crane’s testimony was not necessary to explain his testimony that was admitted, the excluded testimony was relevant as “it explained both the impetus for Appellant’s actions toward his wife as well as his intent at the time of the incident.”

Indeed, Allaben’s intent in using ether and a sleeper hold on his wife “was the central, and perhaps only disputed issue at trial, and evidence on that point was sparse,” the opinion says. “Further, the excluded portion of Crane’s testimony supported Appellant’s defense that the victim’s death was unintentional. In light of the significant question of intent here, the exclusion of this testimony was not harmless....”

The state Supreme Court also agrees with Allaben regarding three other errors Allaben claims the trial court made. The judge was wrong to refuse to instruct jurors they could consider Allaben guilty of simple battery and reckless conduct, instead of malice murder, as “lesser-included” offenses of malice murder. “A written request to charge a lesser-included offense must always be given if there is any evidence that the defendant is guilty of the lesser-included offense,” the opinion says. For the same reason, the trial court also should have instructed the jury on simple assault and reckless conduct, which are lesser-included offenses of felony murder. And the trial court erred when it refused to instruct the jury on involuntary manslaughter on the grounds that Allaben had been acquitted of that offense in his first trial. As to Allaben’s other arguments, the high court finds that no error was made.

In conclusion, Allaben’s “conviction for malice murder is reversed, and this case is remanded for proceedings consistent with this opinion.”

Attorney for Appellant (Allaben): Gerard Kleinrock

Attorneys for Appellee (State): Robert James, District Attorney, Eric Dunaway, Dep. Chief Asst. D.A., Antonio Veal, Asst. D.A., Deborah Wellborn, Asst. D.A., Samuel Olens, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Michael Oldham, Asst. A.G.

ZILKE v. THE STATE (S15G1820)

With an opinion today by the Georgia Supreme Court, police officers around the state may no longer make traffic arrests outside their department’s jurisdiction.

In today’s unanimous decision, written by **Justice Robert Benham**, the high court has reversed a Georgia Court of Appeals decision and ruled in favor of a man who argued that his arrest by a university police officer for Driving Under the Influence (DUI) was invalid because it occurred more than 500 yards off campus.

According to the facts of the case, in the early morning hours of May 5, 2013, Bajrocin Zilke was stopped and arrested on Powder Springs Road in Marietta by Officer Decari Mason, a

“POST-certified” (Peace Officer Standards and Training Council) police officer employed by Kennesaw State University. It was dark and raining, and Mason was on his way back to the university after delivering another arrestee to the Cobb County jail when he noticed Zilke “severely failing to maintain lane” and driving without his lights on. After stopping and approaching Zilke, Mason observed that Zilke smelled of alcohol, had bloodshot and watery eyes, and was unsteady on his feet. Zilke told him he had drunk two beers. At Mason’s request, Zilke blew into an Alco-sensor, which registered positive for alcohol, at which time Mason arrested him. Zilke then submitted to a state-administered chemical breath test on the Intoxilyzer 5000, which revealed a blood alcohol level of 0.08 percent. In Georgia, the definition of legally intoxicated is a blood alcohol concentration of 0.08 percent or higher for those who are at least 21 and driving a regular passenger vehicle. Zilke was charged with two counts of DUI, failing to maintain lane, and operating a vehicle without headlights.

Zilke’s attorney filed a motion to suppress the breath test when the case goes to trial, arguing that the officer had lacked jurisdiction to make the arrest, as the offense had not occurred on, or even near, the university’s property. The trial court granted Zilke’s motion, based on Georgia Code § 20-3-72, which states: “The campus policemen and other security personnel of the university system who are regular employees of the system shall have the power to make arrests for offenses committed upon any property under the jurisdiction of the Board of Regents and for offenses committed upon any public or private property within 500 yards or any property under the jurisdiction of the Board.”

However, on appeal, the Court of Appeals reversed the decision suppressing the evidence, citing another statute in the Georgia Code, § 17-4-23 (a), which states that a “law enforcement officer may arrest a person accused of violating any law or ordinance governing the operation...of motor vehicles by the issuance of a citation, provided that the offense is committed in his presence....The arresting officer shall issue to such person a citation which shall enumerate the specific charges against the person and the date upon which the person is to appear and answer the charges.” The Court of Appeals ruled that this statute applied in Zilke’s case, as the traffic violation occurred in the presence of the arresting officer. Relying on its 1984 decision in *Glazner v. State*, the appellate court ruled that under § 17-4-23 (a), a POST-certified campus police officer is authorized to make arrests for traffic offenses committed in his presence, even outside the territorial limits of the campus. Zilke then appealed the Court of Appeals ruling to the state Supreme Court.

With today’s decision, the high court has overruled *Glazner* and subsequent rulings based on *Glazner* to the extent they hold that § 17-4-23 (a) authorizes any law enforcement officer, including a campus police officer, to make an arrest and take the person into custody “outside the jurisdiction of the law enforcement agency by which he is employed.”

“We agree that Officer Mason had no authority to effect a custodial arrest of appellant outside the jurisdiction conferred by § 20-3-72,” today’s opinion says. But he also lacked authority under § 17-4-23 (a), the opinion says.

“First, by its plain terms, § 17-4-23 (a), which is a criminal procedure statute, only authorizes an arrest ‘by the issuance of a citation,’” the opinion says. “The statute does not confer the ability to make a custodial arrest for a motor vehicle violation, unless that person fails to answer the citation by appearing in court and then, any apprehension of the person must be made pursuant to a warrant.”

“Indeed, the purpose of § 17-4-23 has never been to enlarge the territorial boundaries of the various law enforcement agencies in the state, but rather to give law enforcement officers the discretion to write a citation in lieu of making a custodial arrest for motor vehicle violations.”

Therefore, the “trial court did not err when it determined that Officer Mason did not have any authority to arrest appellant beyond 500 yards of the Kennesaw State University campus,” the opinion says. However, the Court notes that “suppression of evidence is an extreme sanction that is used only sparingly as a remedy for unlawful government conduct.” When there is a violation of a statute, the suppression of evidence is an appropriate sanction “only where the statute specifically provides for suppression as a remedy or the statutory violation implicates underlying constitutional rights such as the right to be free from unreasonable search and seizure,” the opinion says. However, on appeal, the State did not challenge the court’s suppression of evidence as error, nor did the trial court identify the legal ground on which it was excluding the evidence as a result of Mason violating § 20-3-72. Therefore, that aspect of the trial court’s order is not before the Supreme Court for review.

In a concurrence, **Justice David Nahmias** writes to emphasize that excluding evidence may not even be “an authorized remedy for such a violation,” and “there is a substantial question regarding whether it was proper for the trial court to suppress evidence as a remedy for the violation of § 20-3-72 that the court correctly found in this case.” The concurrence, joined by Justice Keith Blackwell, concludes that “this discussion should highlight the importance of considering the remedial element of motions to suppress evidence in future cases of this sort.”

Attorney for Appellant (Zilke): David Willingham of the Willingham Law Firm, P.C., and Bimal Chopra and Steven Cook

Attorneys for Appellees (State): Barry Morgan, Solicitor-General, Deborah Tatum, Dep. Chief Asst. Solicitor-General, and Mimi Scaljon, Asst. Solicitor-General

PEARCE ET AL. V. TUCKER (S15G1310)

In a 5-to-2 decision, the Supreme Court of Georgia has reversed a Georgia Court of Appeals ruling and decided in favor of a **Glynn County** police officer who was sued by a woman after her husband was arrested and committed suicide in a holding cell.

In today’s majority opinion, written by **Justice Carol Hunstein**, the high court has ruled that the case against Glynn County Police Officer Henry Tucker may not proceed to trial because he is protected by immunity and therefore cannot be sued.

According to briefs filed in the case, Christopher Pearce, 38, was married and had five children. His wife, Tammy, said he was the choir leader and taught Sunday school at their church, People’s Liberty Baptist Church, where the pastor was Rev. Hugh Harrison. Pearce suffered from major depressive disorder, and on Oct. 26, 2008, Harrison noticed something seemed to be bothering Pearce during church, according to the briefs. As Pearce left that day, he told the pastor, “You have been a good friend,” which Harrison said struck him as odd. Later that night, Pearce rang the doorbell at Harrison’s home. Harrison saw Pearce was holding a gun and had his wife call 911 while he retrieved and loaded his own gun. Glynn County Police Officer Henry Tucker and another officer arrived at the Harrisons’ home as Pearce was walking down the driveway with his gun tucked in the back of his waistband. The officers drew their weapons and on their orders, Pearce put up his hands and got down on his knees, and the officers took his gun. Once at police headquarters, Tucker placed Pearce in a temporary holding cell that was

monitored by a video camera. Tucker later admitted that although he completed a required property receipt for Pearce's personal property, he forgot to fill out a medical assessment form attached to it. Under Glynn County Police Department Policy 22.16.3 (E): "Officers detaining a person must complete a screening form on the person before they are placed in the temporary holding cell and before they are transferred to another agency." The policy requires the booking officer to "fill out the screening form noting and inquiring as to:" the detainee's health, medication that he's taking, body deformities or markings, and his behavior, including his "mental status." "The purpose of the screening is to determine whether medical attention is required of the person to be detained," the policy says. Tucker later testified that he did not believe Pearce was in any danger of hurting himself. About 20 minutes after leaving Pearce in the holding cell, the other officer found Pearce slumped in the corner of his cell and blue in the face. Tucker performed CPR until emergency medical personnel arrived, but Pearce was later pronounced dead at the hospital. Surveillance footage of the holding cell showed that Pearce had committed suicide by tying his socks together and hanging himself from a door hinge.

Pearce's widow filed a wrongful death lawsuit against Tucker, alleging that Tucker had been negligent for not having her husband removed his socks before entering the holding cell. He filed a motion asking the court for "summary judgment" in his favor on the ground that immunity protects him from being sued. (A judge grants summary judgment after determining a jury trial is not necessary because the facts are undisputed and the law falls squarely on the side of one of the parties.) Tucker argued that immunity applies because deciding whether to have Pearce remove his socks was a "discretionary" act, requiring judgment and personal deliberation, as opposed to a "ministerial" act, requiring merely the execution of a simple, specific duty. Under the doctrine of qualified immunity, also known as official immunity, public officials are afforded greater immunity from liability when they are faced with a situation that requires them to make a judgment call and less protection when they are performing simple, automatic tasks governed by clear rules. In response, Pearce's widow agreed that Tucker was entitled to immunity regarding her initial claim, but that summary judgment was still inappropriate because the requirement to perform a medical screening was required under Policy 22.16.3 (E) and was a ministerial function. The trial court agreed and denied Tucker's motion, finding that there existed a question of fact as to whether Pearce's suicide could have been prevented if Tucker had completed a proper medical screening, and that a jury should decide whether a properly conducted health assessment would have revealed Pearce's risk of suicide.

On appeal, the Court of Appeals reversed the decision, concluding that there was insufficient evidence that any negligence by Tucker directly caused Pearce's death. In its decision, the Court of Appeals quoted its 2001 decision in *Dry Storage Corp. v. Piscopo*, which stated: "Generally, suicide is an unforeseeable intervening cause of death which absolves the [wrongdoer] of liability." However, there is an exception to the general rule if the so-called wrongdoer's act causes the party to "kill himself during a rage or frenzy." The Court of Appeals ruled that there was no evidence Pearce was in a rage or frenzy, so the general rule, not the exception, applies and there is no evidence Pearce would have been unable to commit suicide if Tucker had medically screened him before placing him in the cell. His widow's argument that the screening would have revealed Pearce was a suicide risk was "purely speculative," the appellate court ruled. Tammy Pearce then appealed to the state Supreme Court, which asked the parties to answer two questions: (1) Did the Court of Appeals err in applying the "general rule"

that suicide is an unforeseeable intervening cause of death, even though there is a special relationship between an officer and his prisoner? (2) Did it err in reversing the trial court's denial of summary judgment to Tucker?

"We conclude that Officer Tucker is entitled to qualified immunity with respect to the screening claim and, for this reason, that the Court of Appeals properly reversed the denial of summary judgment," today's majority opinion says. Therefore, according to the majority, the high court states it does not need to address the first question and leaves it up to future cases to resolve the matter.

Qualified immunity "protects individual public agents from personal liability for *discretionary* actions taken within the scope of their official authority, and done without willfulness, malice or corruption," the majority opinion says, quoting a 2001 Georgia Supreme Court decision. "Because there is no evidence that Officer Tucker 'acted or failed to act with malice, willfulness, or an intent to injure,' the question before us is whether Officer Tucker's nonobservance of Department Policy 22.16.3 (E) was a failure to perform a ministerial or discretionary act."

The essence of Tammy Pearce's negligence claim was not that Tucker failed to fill out the form itself, but that he failed to complete a "medical screening." The majority opinion points out that this undefined medical screening – as opposed to simply filling out the form – required the performance of a discretionary duty which entitled Tucker to immunity.

"Telling, we think, is Appellant's [i.e. Tammy Pearce's] speculation that, unlike the completion of the screening form, a properly conducted 'medical screening' would have revealed Pearce's suicidal intentions, either through adept interview techniques or as a result of Officer Tucker's judgment that Pearce was in crisis."

"Under the circumstances of this case, the duty as described by Appellant, even if mandated by policy, would be discretionary in nature; accordingly, Officer Tucker is entitled to qualified immunity and, thus, summary judgment," the majority rules.

In a dissent, **Justice Harold Melton** disagrees. "Because Glynn County Police Department Policy 22.16.3 (E) creates a clear ministerial duty for officers to launch a medical screening that inquires into the health status of a detainee that is separate from an officer's duty to fill out a screening form memorializing that medical screening, and because evidence exists to support the conclusion that Officer Tucker did nothing to fulfill his ministerial duty of initiating the required medical screening under the department policy, Officer Tucker is not protected from potential personal liability by qualified immunity in this case," says the dissent, which is joined by Chief Justice Hugh Thompson.

The policy specifically states, "The officer *must fill out the screening form noting and inquiring as to....*" "From this rule, it is clear that an officer '*must*' make an '*inquir[y]*' into four specific areas relating to the health status of a detainee in connection with that officer's separate obligation to fill out a screening form that memorializes the required inquiry into the detainee's health status," the dissent says. "While an officer may have a discretionary duty with respect to 'how' he or she conducts such an inquiry once it is initiated, the department policy indicates that the officer has no discretion whatsoever with respect to *whether* he or she initiates an inquiry in the first place."

"In short, the rule makes the initial action of launching an inquiry a ministerial duty, and leaves the manner in which the inquiry is conducted, *once initiated*, a matter of discretion," the

dissent says. “Because Officer Tucker is not entitled to immunity here, I also disagree with the majority’s refusal to address the question of whether the general rule regarding suicide as an intervening cause applies in prisoner suicide cases.”

Attorneys for Appellant (Pearce): Paul Painter, III, W. Richard Deckle

Attorneys for Appellee (Tucker): Richard Strickland, Steven Blackerby, Aaron Mumford

MURPHY v. THE STATE (S16A0150)

A woman convicted in **Clayton County** of setting fire to a Riverdale motel in 2007 that killed five family members, including two children, has lost her appeal before the Supreme Court of Georgia.

With today’s unanimous opinion, written by **Chief Justice Hugh Thompson**, the high court has rejected all the arguments presented on appeal by Sheree Dionne Murphy and ruled that the evidence at trial “was sufficient to authorize a rational jury to find her guilty beyond a reasonable doubt of the crimes for which she was convicted.”

According to the facts in this high-profile case, in the early morning hours of June 7, 2007, Murphy, 45, went to the Budget Inn Motel, an extended-stay facility, where Fred Colston, Jr., 26, was temporarily living with his fiancée, Shikita Jones, 32, and her three children, Shae’von Butler, 14, Devon Butler, Jr., 11, and Desha Butler, 10. The children’s uncle, Melvin Jones, 43, was also staying with the family. The day before, Murphy had gotten into an argument with Colston over his refusal to “front” her drugs. A witness, Starla Leigh Carr, testified she had seen Murphy coming that day out of the Budget Inn. Carr said Murphy was angry, said she was tired of how people treated her because no one would front her drugs, and told Carr she would come back to “burn this [expletive] down.” On the night of June 6-7, Murphy stayed at Carr’s apartment near the Budget Inn, but she left at around 3 or 4 a.m. At about 7:15 a.m., another witness saw Murphy and a man walking toward the motel. Murphy was carrying a black plastic bag and had a lighter and cigarettes. The witness asked Murphy for a cigarette, then watched Murphy walk toward the back of the motel. According to the evidence, behind the Budget Inn was a stack of old mattresses that had been placed under a stairwell leading up to the second floor where Colston and his family were staying. Murphy poured an accelerant on the mattresses, then lit them on fire. Around 11 a.m., Murphy went to witness Charles Mason’s house and told him the motel was on fire. When he asked her how the fire had started, she replied that someone had set fire to the mattresses. Eyewitnesses described the fire as being in the back of the motel and concentrated on the second floor. Trapped by the fire and smoke, Colston, his fiancée, her two youngest children, and Melvin Jones were found huddled together in a small bathroom. They all died from smoke inhalation. Only Shikita Jones’ teenage daughter, Shae’von Butler, survived with severe burns to her face, hands, shoulders and leg. A number of others were also injured, including firefighters.

During the investigation, police discovered that a can of Ronsonol lighter fluid was missing from the shelf at the Chevron gas station near the Budget Inn. Surveillance video showed someone matching Murphy’s height and clothes descriptions entering the store and walking to the back where the lighter fluid was kept. Another video showed an individual walking across the hotel parking lot at 6:59 a.m. carrying something under her arm. After dogs indicated the presence of an accelerant at the rear of the hotel near the mattresses and the stairwell leading to the second floor, fire investigators collected samples. A forensic chemist

with the Bureau of Alcohol, Tobacco and Firearms tested the samples for the presence of an ignitable liquid and got two positive responses for a medium petroleum distillate, one of which had been collected from the top layer of the mattresses and the other from the concrete in the same area. Testing done by another ATF agent, who testified as an expert witness for the State, indicated that flames from the burning mattresses would have reached a height of 23-to-31 feet, which was consistent with his explanation of how the fire could have spread from the first floor stairwell to the second floor of the motel. In the agent's opinion, the fire had originated in the mattresses and had been set by human hands probably using an ignitable liquid. He said he had considered the hotel might have started in the attic, but eliminated it based on eyewitnesses' description of the fire.

At trial, Murphy claimed she had not started the fire, and the ATF agent had incorrectly concluded it originated with the mattresses and lighter fluid. An expert witness for the defense testified that the accelerant found in the tested samples could have been insecticide that had been applied by a pest control company or charcoal lighter used by motel residents who were grilling and that the fire had originated on the motel's second floor or in the attic.

Following a jury trial in December 2011, Murphy was convicted of all five murders, aggravated battery, arson in the first degree and cruelty to children. She was sentenced to five consecutive life prison terms and 20 years for aggravated battery to run concurrent with her life sentences. The trial court denied her motion for new trial, and Murphy then appealed to the state Supreme Court.

In her appeal before the high court, Murphy argued the trial court made a number of errors that warrant reversal of her convictions, including that her inability to participate in several discussions between the parties' lawyers and the judge violated her constitutional right to be present at all critical stages of the proceedings; that it was error to allow in part of the testimony of one of the State's experts because prosecutors had failed to provide her attorney with notification of what that part of his testimony would include at least 10 days prior to trial, as Georgia law requires; that the trial court abused its discretion by admitting some photos of the victims' bodies; and that her guilty verdicts were the result of one juror improperly introducing outside information to jurors during their deliberations and another juror surrendering her vote of acquittal after the judge refused to excuse her to tend to a sick child.

In today's 24-page opinion, the high court addresses each argument one by one, rejecting them all. "After carefully reviewing the record, we find no reversible error and affirm appellant's convictions," the opinion says. "Judgment affirmed. All the justices concur."

Attorneys for Appellant (Murphy): Brian Steel of The Steel Law Firm, P.C., Emily Gilbert of Georgia Capital Defender's Office, and Priya Lakhi

Attorneys for Appellee (State): Tracy Lawson, District Attorney, Kathryn Powers, Exec. Chief Asst. D.A., Elizabeth Baker, Dep. Chief Asst. D.A. of the Clayton County District Attorney's Office, and Samuel Olens, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., and Matthew Crowder, Asst. A.G. of the Attorney General's Office

IN OTHER CASES, the Supreme Court of Georgia has upheld **murder** convictions and life prison sentences for:

