



Supreme Court of Georgia

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SUMMARIES OF OPINIONS

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Please note: *Opinion summaries are prepared by the Public Information Office for the general public and news media. Summaries are not prepared for every opinion released by the Court, but only for those cases considered of great public interest. Opinion summaries are not to be considered as official opinions of the Court. The full opinions are available on the Supreme Court website at www.gasupreme.us.*

The Supreme Court of Georgia today released 13 opinions, 10 of which involve murder convictions. In addition, there are three lawyer disciplinary opinions.

In today's opinions, the high court has upheld **murder** convictions and life prison sentences for:

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| * Ramel Brown (Fulton) | <u>BROWN V. THE STATE (S16A1530)</u> |
| * James English (Dodge Co.) | <u>ENGLISH V. THE STATE (S16A1754)</u> |
| * Gregory Joseph Johnson (Mitchell Co.) | <u>JOHNSON V. THE STATE (S16A1649)</u> |
| * Jonathan Kilgore (Fulton Co.) | <u>KILGORE V. THE STATE (S16A1430)</u> |
| * Kiro Morrison (Fulton Co.) | <u>MORRISON V. THE STATE (S16A1426)</u> |
| * Leslie Mosby (Fulton Co.) | <u>MOSBY V. THE STATE (S16A1580)</u> |
| * Amos Southall (Camden Co.) | <u>SOUTHALL V. THE STATE (S16A1721)</u> |
| * Jerome Upshaw (Muscogee Co.) | <u>UPSHAW V. THE STATE (S16A1524) *</u> |
| * Julius Ryan Thomas (Clayton Co.) | <u>THOMAS V. THE STATE (S16A1520) **</u> |
| * Desmond Brandon Nixon (Clayton Co.) | <u>NIXON V. THE STATE (S16A1521) **</u> |

* The Court has upheld Upshaw's murder conviction for shooting and killing Joanne Walton after picking her up at a gas station in Columbus. She agreed to provide sex in exchange for drugs. But following an argument in the car, Upshaw shot and killed her. In today's opinion, the high court has ruled that the trial court erred in sentencing Upshaw for both malice murder and felony murder "because there was only one killing." For sentencing purposes, the conviction and

sentence for felony murder must be thrown out. However, Upshaw remains sentenced to life in prison for malice murder plus five years on a gun charge.

** Thomas and Nixon, members of a rap group known as “B.G.M.,” were tried jointly and convicted of murder and related offenses in connection with a 2013 crime spree in Clayton County. During a three-day period, a China Express delivery woman was raped while delivering an order; a man was held up at gunpoint, robbed and assaulted as he walked down Old Dixie Highway; and a taxicab driver was found dead in his cab with a gunshot wound to the head. Thomas was convicted of the murder of the cab driver, the aggravated assault of both the rape and murder victims, and the armed robbery of the rape victim. He was sentenced to life in prison with the possibility of parole, and 20 years to run concurrently for armed robbery. Nixon was convicted of the murder, the rape of the delivery woman, and the armed robbery of both the rape victim and the man. He was also convicted of six counts of possession of a firearm during the commission of a crime. Nixon was sentenced to prison for life with no chance of parole plus five years for weapons charges. In today’s opinion, the Georgia Supreme Court has upheld both men’s murder convictions. But it has ruled that “the evidence was insufficient to establish Thomas’ guilt beyond a reasonable doubt regarding the armed robbery and aggravated assaults” of the rape victim. The high court has reversed Thomas’ conviction and sentence for armed robbery and set aside the guilty verdict for aggravated assault. The Supreme Court has also ruled that Nixon was sentenced incorrectly for too many gun possession charges and it has thrown out three of those convictions. Meanwhile, both men’s life prison sentences remain intact.

In **disciplinary matters**, the Georgia Supreme Court has accepted a petition for **voluntary surrender of license** – tantamount to disbarment – from attorneys:

* Trent Carl Gaines **IN THE MATTER OF: TRENT CARL GAINES (S17Y0375)**

* Joanna Temple **IN THE MATTER OF: JOANNA TEMPLE (S17Y0496)**

The Court has ordered the **1-year suspension with conditions for reinstatement** of attorney:

* Shanina Nashae Lank **IN THE MATTER OF: SHANINA NASHAE LANK**
(S16Y0723, S16Y0724, S16Y0725)