



Supreme Court of Georgia

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SUMMARIES OF OPINIONS

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NORWOOD V. THE STATE (S17A1354)

A young woman sentenced to life in prison for stabbing her newborn baby boy to death has lost her appeal with a decision today by the Georgia Supreme Court.

In today's opinion, written by **Justice Carol Hunstein**, the high court finds that the evidence "was sufficient to enable a rational trier of fact to conclude beyond a reasonable doubt that Appellant was guilty of the crimes for which she was convicted."

The "Appellant" is **Cassandra Norwood**, who lived in Athens, GA, **Clarke County**, with her parents and two sisters, Ginger and Bethany, a nurse. At the time, unbeknownst to her family or the father of the child, Cassandra was 40 weeks pregnant. According to the facts of the case, the night of Oct. 31, 2012, Cassandra went trick-or-treating with her sisters and nieces, went out to dinner, and then went to bed upon returning home. The next morning, Ginger went to her sister's bedroom looking for a pair of work shoes and noticed blood on the floor. Ginger noticed that Cassandra was acting strange and told her mother and sister she thought something was wrong. When Bethany went to Cassandra's room, she saw dried blood on Cassandra's foot and on the floor. Cassandra said that she was just having a heavy menstrual cycle, but Bethany was skeptical. When Bethany noticed a trash bag on the floor by the foot of the bed with her comforter in it, she reached for it, but Cassandra grabbed the bag away from her. Cassandra's parents came into the room and deciding that Cassandra needed medical help, they took her to Athens Regional Medical Center. After they left, Bethany opened the bag where she discovered a baby boy and the placenta. The infant was wounded in his abdomen and neck. Bethany immediately started CPR on the baby and told Ginger to call 911. When police arrived shortly after receiving the 12:45 p.m. call, Bethany showed them the infant partially wrapped in sheets

inside a plastic bag. By then, the baby boy was dead. His umbilical cord had been cut roughly seven inches from his body. He had more than 10 sharp force injuries to his neck and more than nine sharp force injuries to his torso, according to briefs filed in the case. Most significantly, he had a large stab wound to his jugular vein and a stab wound to his torso that had pierced his liver, according to the autopsy, which also revealed the baby had been born alive. A search warrant for the Norwood home was executed and investigators found blood in the bathroom and blood transfer stains on the walls. They found a large, 10-inch kitchen knife under some bedding with blood stains and a pocketknife with a small blade under the baby's legs. Cleaning supplies were also found in the bathroom.

Just after 4 p.m. that day, Officer Jonathan Patterson went to the hospital where Cassandra was being treated and asked her what had happened. She said she had known for some time she was pregnant and had started having pains the previous night. When she knew the baby was coming, she went into the kitchen to get a knife to cut the umbilical cord. After delivering the child, she said she moved the knife back and forth trying to cut the umbilical cord and must have accidentally cut the baby's neck. She said the baby made a facial expression and a noise when he was cut. She said she then put blankets on his neck to try to stop the bleeding. She did not tell her parents or sisters she had given birth or that the infant was in the house before her parents took her to the hospital.

Later that evening, Detective Richard Boyle went to the hospital with an arrest warrant and Cassandra was charged with murder. After Boyle advised her of her *Miranda* rights, she agreed to talk without having an attorney present. Her account was similar but more detailed than what she had told Officer Patterson. Although the detectives confronted her with the number and location of the stab wounds, the presence of the two bloody knives, and the disposal of the baby's body in a trash bag, Cassandra denied cutting the baby more than once, denied placing the baby in a trash bag, and denied any knowledge about a second knife. She was adamant that the one injury she had caused was accidental.

Prior to trial, her attorney filed a motion to suppress her two statements to law enforcement, claiming they had not been "freely and voluntarily" given. After a hearing, the judge denied the motion and admitted the statements. Following a May 2014 trial, where jurors heard both audio-recorded statements, they found Cassandra Norwood guilty of malice murder, felony murder, aggravated assault family violence, and three counts of possession of a knife during the commission of a crime. She was sentenced to life plus five years in prison. Norwood then appealed to the Georgia Supreme Court.

Norwood's only argument on appeal was that the trial court erred by allowing in as evidence the statements she voluntarily made both before and after her arrest. Her attorney argued her conviction must be reversed because she was not read her *Miranda* rights until she was formally arrested by Detective Boyle. Yet "she was effectively in custody" when she was interviewed earlier by Officer Patterson who clearly considered her a suspect, the attorney argued. (*Miranda* rights include, "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.")

In today's opinion, the high court has rejected Norwood's arguments. Although the majority does not address whether she was in custody when she made her first statement, it finds that both her statements were voluntary. And even if the first statement was erroneously

admitted, “the second statement was properly admitted and rendered harmless any error related to the admission of the first statement.” Norwood’s second statement “repeated the general content of the first interview and went into far more detail about the incident, about inconsistencies between Appellant’s statement and the physical evidence, about Appellant’s failure to obtain prenatal care, about her efforts to hide her pregnancy, and about Appellant’s culpability,” today’s opinion says. “Accordingly any error in the admission of the first statement was harmless.”

In a special concurrence, **Justice Robert Benham** agrees with the final judgment but takes issue with the suggestion that the first police interview was “custodial,” requiring that Norwood be read her *Miranda* rights. Under the Georgia Supreme Court’s 2009 ruling in *State v. Folsom*, “A person is considered to be in custody and *Miranda* warnings are required when a person is 1) formally arrested, or 2) restrained to the degree associated with a formal arrest. Unless a reasonable person in the suspect’s situation would perceive that [she] was in custody, *Miranda* warnings are not necessary.” Here, neither condition existed, argues Benham, who is joined in the special concurrence by Justice Britt C. Grant. “Our appellate courts have held that a person who is suspected of a crime is not in custody for the purpose of receiving *Miranda* warnings simply because she is approached and questioned by police in a hospital while receiving treatment,” the special concurrence says. “Here, there was simply nothing the police did or said to Appellant, either prior to or during her first interview, that would have caused her reasonably to perceive she was in custody.” Therefore, I would uphold the trial court’s determination that Appellant was not in custody during the first interview. As such, Appellant’s arguments regarding the second interview being tainted by the first interview would necessarily be moot.”

Attorney for Appellant (Norwood): Jackie Patterson

Attorneys for Appellee (State): Kenneth Mauldin, District Attorney, David Lock, Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Elizabeth Haase

THE STATE V. HARPER (S17G0199)

Under an opinion today, the Georgia Supreme Court has ruled that a locked door to a person’s home is sufficient notice to would-be trespassers that they are forbidden from entering.

With today’s unanimous opinion, written by **Presiding Justice Harold D. Melton**, the high court has reversed a decision by the Georgia Court of Appeals, which ruled that a bail recovery agent who broke into a woman’s home to arrest a man could not be convicted of criminal trespass without “express notice” that his entry was forbidden.

The high court disagrees, however, concluding that the woman’s locked door to her residence “provided reasonable and sufficiently *explicit* notice” that the bondsman was prohibited from entering.

According to the facts of the case, in March 2014, **David Lamar Harper** was working as a bail recovery agent for a professional bondsman in **Bibb County** when he entered Tina McDaniel’s locked home without her knowledge. According to briefs filed in the case, Harper entered through a pet door, damaging it in the process. He claimed he was searching for a wanted fugitive defendant, Stephen Jeffrey Collier, whose bond was in default. At the time Harper entered the home, McDaniel was changing clothes in her bedroom when she heard her daughter

scream. She found Harper holding Collier to the floor while handcuffing him. When she asked Harper who he was, he said he was “Houston County,” leading her to believe he was a Houston County law enforcement officer. Harper never identified himself as a bail recovery agent. Collier did not live at McDaniel’s house but was there that day to work on a vehicle.

The next day, McDaniel reported the intrusion to police, and Harper was arrested and charged with two counts of criminal trespass under Georgia Code § 16-7-21 (a) and (b) (2). Subsection (a) of the statute says that, “A person commits the offense of criminal trespass when he or she intentionally damages any property of another without consent of that other person and the damage thereto is \$500 or less....” Subsection (b) (2) states that a person commits criminal trespass when he or she enters without authority the premises of another person after receiving “notice from the owner” that “such entry is forbidden.” Following trial, the jury convicted Harper of both counts of criminal trespass, and he was sentenced to 90 days in jail followed by 21 months on probation and a fine of \$1,750. Representing himself “pro se,” Harper appealed to the Court of Appeals. The intermediate appellate court upheld the conviction under § 16-7-21 (a) for the damage Harper did to the door. But it reversed his conviction under § 16-7-21(b) (2) for entering the locked residence without permission. The appellate court ruled that the statute requires “express notice” that the entry was forbidden, and here, “because the homeowner had not given Harper *express* notice not to enter, Harper could not be guilty.”

For more than 40 years, today’s opinion explains, the Court of Appeals has ruled that under Georgia’s criminal trespass statute (Georgia Code § 16-7-21 (b) (2)), essential to proving criminal trespass is a showing by the State that a person’s entry “had previously been *expressly* forbidden.”

“However, this Court has held that notice need only be explicit, not express,” the opinion says. “Inherent in the statute’s notice provision is a requirement that notice be *reasonable under the circumstances*, as well as *sufficiently explicit* to apprise the trespasser what property he is forbidden to enter.”

Although giving a person express notice through spoken or written words – such as a verbal command or a “Do Not Trespass” sign – can be sufficiently explicit and reasonable under the statute, “that does not mean that spoken and written words are the *only* means by which reasonable notice could be given to a would-be trespasser that would explicitly notify that person that his or her entry is prohibited,” the opinion says. “Indeed, a locked door to a home generally sends a sufficiently explicit message that entry is forbidden to a possible trespasser who encounters that locked door.”

“The evidence was sufficient to show that Harper had received sufficiently explicit notice to support a finding of guilt under § 16-7-21 (b) (2), and the Court of Appeals erred in concluding otherwise,” today’s opinion concludes.

Attorneys for Appellant (State): Rebecca Grist, Solicitor-General, Sharell Lewis, Chief Asst. S.G., Donyale Leslie, Asst, S.G.

Attorney for Appellee (Harper): Andrew Hall

DENT V. THE STATE (S17A1641)

In this Craigslit-related murder, the Supreme Court of Georgia has upheld the life prison sentence and conviction of **Terrence Dent**, who was an 18-year-old high school student when he

shot and killed 25-year-old Jevon Freeman in a church parking lot in **Clayton County**. The two were meeting so Freeman could sell Dent his iPhone after advertising it on Craigslist.

In his appeal to the state Supreme Court, Dent argued the evidence was insufficient to prove him guilty of murder. But in today's unanimous opinion, written by **Chief Justice P. Harris Hines**, the high court has rejected this and all of Dent's other arguments, finding that there was "sufficient evidence from which a rational trier of fact could find that Dent's shooting of Freeman was not justified as self-defense and that he was guilty beyond a reasonable doubt of the crimes of which he was convicted."

In November 2013, Freeman, a barber and father of two, advertised his iPhone on the internet website, Craigslist, hoping to sell it to make money for his young son's school tuition, according to briefs filed in the case. He offered to sell the iPhone for \$500. Dent responded to the ad, offering to pay \$450. Dent and Freeman agreed to meet at a gas station in Riverdale to make the transaction. Dent initially wanted to meet in the parking lot of Harvest Time Church, but Freeman requested the meeting to be in a more public place. Despite the initial plan to meet at the Raceway gas station on Riverdale Road, Dent convinced Freeman to meet at the nearby church parking lot instead. Shortly after 6 p.m. on Nov. 6, 2013, both arrived at the church parking lot and went to the door of the church daycare, asking for entry to complete the Craigslist transaction. An employee of the daycare, however, refused to let them in. Moments later, the employee heard gunshots from outside and called police.

Officers found Freeman slumped over in his car with the door open. He was unarmed and had no pulse. They also found \$450 in cash scattered on the ground. Freeman was later pronounced dead at Southern Regional hospital. According to the medical examiner, Freeman was killed by a gunshot wound to the chest, which pierced his heart and rendered it unable to pump blood.

Investigators found that minutes before his death, Freeman had communicated by phone with a number they traced back to Dent, based on a 911 call Dent had made a year before. They obtained a search warrant for Dent's home, where they found two Samsung cell phones in Dent's bedroom and a copy of the "Be On The Lookout (BOLO)" notice handed out in the neighborhood after the shooting. The phone records revealed Dent had planned to buy a .22 caliber pistol on Nov. 1, 2013, the same type of gun used to kill Freeman. And there were internet searches on the phone, including searches about "how to shoot and kill somebody," and "what if the police found my fingerprint."

Dent was arrested and interviewed by police on Nov. 8, 2013. He waived his *Miranda* rights and initially stated that he had shot Freeman in self-defense after Freeman placed him in a chokehold. But he changed that story and said he had shot Freeman because he felt nervous during the sale as Freeman was acting "weird and suspicious" during the sale. In all, he gave three different accounts of what had occurred, eventually admitting that Freeman was never armed and never threatened him. During the interview, Dent also revealed the location of the iPhone, which was inside Dent's locker at school, and the gun, which was in his friend's possession.

Following an August 2015 trial, Dent was convicted of felony murder, aggravated assault, and gun charges. He was sentenced to life plus five years in prison, then appealed to the state Supreme Court. In addition to arguing that the evidence was insufficient to convict him of murder, Dent argued on appeal that the judge failed to instruct jurors on the less serious crime of

voluntary manslaughter, and that his attorney gave ineffective legal counsel in violation of his constitutional rights.

“Voluntary manslaughter requires that the accused be ‘so influenced and excited that he reacted passionately rather than simply in an attempt to defend himself,’” today’s opinion says. “In this case, there is no evidence of a ‘sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a reasonable person.’”

As to Dent’s argument that his trial attorney provided ineffective assistance in a variety of ways, the high court has also rejected that argument, explaining why in response to each of his claims. “Judgments affirmed,” the opinion says in the judgment line. “All the Justices concur.”

Attorney for Appellant (Dent): Deborah Leslie

Attorneys for Appellee (State): Tracy Lawson, District Attorney, Jeff Gore, Dep. Chief Asst. D.A., Elizabeth Rosenwasser, Asst. D.A.

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

- * Herbert Eberhardt Drews (Bartow Co.) **DREWS V. THE STATE (S17A1873)**
- * Harvey Hogans (Cobb Co.) * **HOGANS V. THE STATE (S17A1647)**
- * Derek Lee Kemp (Cobb Co.) * **KEMP V. THE STATE (S17A1646)**
- * David Leeks (Fulton Co.) **LEEK V. THE STATE (S17A1585)**
- * Dequontist Marquez Lucas (Cobb Co.) **LUCAS V. THE STATE (S17A1911)**
- * Johnathan McCoy (DeKalb Co.) **MCCOY V. THE STATE (S17A1915)**
(Although the Supreme Court has upheld McCoy’s murder conviction and life prison sentence, it is sending the case back to the trial court, which erroneously sentenced McCoy on two felony murder verdicts involving only one victim. One of the felony murder verdicts must be vacated for sentencing purposes and the high court is remanding the case for proper sentencing.)
- * Richard Morrison (Lowndes Co.) **MORRISON V. THE STATE (S17A1750)**
- * Alphonso Watkins (Douglas Co.) * **WATKINS V. THE STATE (S17A1648)**
- * Tacomsi Winters (Fulton Co.) **WINTERS V. THE STATE (S17A1884)**

* Hogans, Kemp, and Watkins were co-defendants in the same case.

IN DISCIPLINARY MATTERS, the Georgia Supreme Court has **disbarred** the following attorney:

- * Natalie Dawn Mays **IN THE MATTER OF: NATALIE DAWN MAYS (S18Y0315)**

