



## Supreme Court of Georgia

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## SUMMARIES OF OPINIONS

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### **JORDAN V. THE STATE (S19A1226)**

The Supreme Court of Georgia has upheld the convictions and life prison sentences given to a man for his role in the murder of a young man who two months earlier had hit the jackpot in the Georgia Lottery, winning more than \$400,000.

In this highly publicized case, **Wayan Malik Jordan** was one of seven people affiliated with the “G-Shine” criminal gang and charged with robbing and killing 20-year-old Craigory Burch, Jr. in **Ben Hill County**.

Police called Burch’s murder a “targeted” killing. According to today’s opinion, the evidence at trial showed that on Jan. 20, 2016, Dabrentise Overstreet contacted Jordan, Nathaniel Baker and others with plans to commit a robbery. The target was Burch, who in November 2015, had matched all five numbers in the Fantasy 5 drawing and won a \$432,272 jackpot. Burch, who had a picture taken of himself holding a large check that showed his winnings, had bought a home in Fitzgerald with some of the proceeds. Initially, Jordan was reluctant to participate in the robbery, but he finally agreed to try to redeem himself from having stolen drugs earlier from gang members. On the day of the crime, the seven drove to Burch’s home in two separate cars that were driven by Overstreet’s and Baker’s girlfriends. When they arrived, Baker kicked in the door and he, Overstreet, and Jordan went inside with their guns drawn. Burch was in his living room with his girlfriend and their two young children. A third child of Burch’s was asleep in a back bedroom during the home invasion. Jordan and Overstreet held the adults at gunpoint and demanded money while Baker went to the back of the house to look for valuables. As Burch sat on the sofa holding his 2-year-old son, Overstreet shot Burch several times in the leg, with at least one of the wounds to his thigh being fatal. Jordan meanwhile went through the purse of

Burch's girlfriend, which contained two cell phones belonging to Burch as well as her cell phone and wallet. Jordan, Overstreet, and Baker then left the house. After Jordan failed to start Burch's truck parked in the driveway, Overstreet went back inside the house and shot Burch in the chest. The seven alleged gang members then fled the scene. One of the women later testified that Jordan and the others were joking about the shooting and Jordan was laughing about it as they divided the proceeds of the robbery, which included Burch's wallet. All seven were eventually arrested and charged with a host of crimes including malice murder, home invasion, armed robbery, and street gang activity.

Following a separate trial in March 2017, the jury found Jordan guilty on all counts and he was sentenced to two consecutive life sentences (one for murder and one for home invasion) plus 15 years for gun charges. Jordan then appealed to the Georgia Supreme Court, arguing a number of reasons why his convictions should be reversed.

In today's opinion, written by **Justice Keith R. Blackwell**, the Supreme Court has rejected them all and concluded that "the evidence adduced at trial is sufficient to authorize a rational trier of fact to find Jordan guilty of each of the crimes of which he was convicted."

Among his arguments, Jordan contends that the evidence was not legally sufficient to convict him of murder because the evidence failed to show that he shared Overstreet's intent to kill. "But 'criminal intent may be inferred from presence, companionship, and conduct before, during, and after the offense,'" today's opinion says, quoting the Court's decision earlier this year in *Hardy v. State*. "Here, Jordan agreed to take part in the home invasion as a member of the gang, he held the victims at gunpoint while Overstreet fatally shot Burch in the leg, he participated in the division of the proceeds from the robbery, he was observed laughing with Overstreet about the shooting of Burch, and he made a jailhouse admission about 'the man I killed.' A rational juror could conclude that Jordan shared Overstreet's criminal intent, and was, therefore, guilty of murder as a party to the crime."

Jordan also claims the trial court erred by admitting "extrinsic evidence of gang activity." Although Jordan's own attorney acknowledged at trial in his opening statement that Jordan was a gang member, the attorney's statements were not evidence, and the State still had to prove that Jordan was a member of a "criminal street gang" known as "G-Shine." Therefore, the trial court did not abuse its discretion under Georgia Code § 24-4-403 in admitting extrinsic evidence of gang activity, today's opinion says. The high court also has rejected Jordan's claims that he received "ineffective assistance of counsel" from his trial attorney in violation of his constitutional rights.

**Attorney for Appellant (Jordan):** Matthew Winchester

**Attorneys for Appellee (State):** Bradford Rigby, District Attorney, Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Vanessa Sassano, Asst. A.G.

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

\* Devontae M. Carter (Tift Co.)      **CARTER V. THE STATE (S19A1586)**

\* Ronnie Holmes (Dougherty Co.)      **HOLMES V. THE STATE (S19A1146)**

\* Brandon Morrall (Bibb Co.)      **MORRALL V. THE STATE (S19A1201)**

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

\* Carla Burton Gaines      **IN THE MATTER OF: CARLA BURTON GAINES (S19Y1471)**

The Court has accepted a petition for **voluntary surrender of license** – tantamount to disbarment – from attorney:

\* Natasha Simone White      **IN THE MATTER OF: NATASHA SIMONE WHITE (S20Y0335)**