



## Supreme Court of Georgia

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## SUMMARIES OF OPINIONS

Published Monday, February 28, 2020

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### **ALBERT DEBELBOT V. THE STATE (S19A1474)**

### **ASHLEY DEBELBOT V. THE STATE (S19A1475)**

Under a ruling today by the Supreme Court of Georgia, a military couple convicted of murdering their newborn daughter and sentenced to life in prison are entitled to a new trial. In a unanimous decision written by Justice Keith R. Blackwell, the high court has reversed a Muscogee County court's denial of the motions for new trial filed by Albert and Ashley Debelbot.

**Attorneys for Appellant (Albert):** Carrie Sperling, Thomas Flournoy III

**Attorneys for Appellant (Ashley):** Brandon Bullard, Jimmonique Rodgers, James Bonner, Jr., A. James Anderson, Anna Halsey

**Attorneys for Appellee (State):** Julia Slater, District Attorney, Sadhana Dailey, Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Ashleigh Headrick, Asst. A.G.

### **GEORGIA DEPARTMENT OF PUBLIC SAFETY V. RAGSDALE (S19G0422)**

A lawsuit against the Georgia Department of Public Safety may not go forward under an opinion today by the Georgia Supreme Court. In a unanimous opinion written by Justice John J. Ellington, the high court has reversed a ruling by the Georgia Court of Appeals, the state's

intermediate appellate court, involving a lawsuit brought by Matthew Ragsdale in Fulton County State Court against the Department after he was injured in a car crash with a suspect who was fleeing from law enforcement.

**Attorneys for Appellant (State):** Christopher Carr, Attorney General, Kathleen Pacious, Dep. A.G., Loretta Pinkston-Pope, Sr. Asst. A.G., Robert Bunner, Sr. Asst. A.G., Andrew Pinson, Solicitor General, Ross Bergethon, Dep. Sol. Gen.

**Attorneys for Appellee (Ragsdale):** Edward Silverbach, Matthew Watson, Charles Cork, III

**MCELRATH V. THE STATE (S19A1361)**

The Supreme Court of Georgia has ordered a new trial for a young man who was 18 years old when he stabbed his mother to death a week after he was released from a state mental health facility in Atlanta. Following a 2017 trial in Cobb County Superior Court, the jury found Damian McElrath “guilty but mentally ill” of felony murder and aggravated assault, but “*not* guilty by reason of insanity” of malice murder. Both verdicts stemmed from a single incident in which McElrath, who suffered from either schizophrenia or a related schizoaffective disorder, stabbed his mother more than 50 times. In today’s opinion, written by Chief Justice Harold D. Melton, the high court has found the verdicts “repugnant” – or contradictory – and has vacated them and remanded the case for a new trial.

**Attorneys for Appellant (McElrath):** H. Maddox Kilgore, Carlos Rodriguez

**Attorneys for Appellee (State):** Joyette Holmes, District Attorney, Amelia Pray, Sr. Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Meghan Hill, Asst. A.G.

**SAWYER V. THE STATE (S19A1341)**

The Supreme Court of Georgia upheld Devin Sawyer’s convictions in DeKalb County for felony murder and other crimes connected to the 2012 death of Michael Weeks, Jr., the 2 ½ year-old son of Sawyer’s then girlfriend. According to the medical examiner who conducted the autopsy and testified at Sawyer’s trial, the child suffered numerous and severe injuries to several internal organs that caused his death. The Court rejected Sawyer’s claim that he received “ineffective assistance” from his trial counsel.

**Attorney for Appellant (Sawyer):** Daniel Petrey, Public Defender

**Attorneys for Appellee (State):** Sherry Boston, District Attorney, Emily Richardson, Dep. Chief Asst. D.A., Destiny Bryant, Asst. D.A., Elizabeth Brock, Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Matthew Crowder, Asst. A.G.

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

- \* Damon Bamberg (Jeff Davis Co.)
- \* Sonya Bamberg (Jeff Davis Co.)

- \*\***BAMBERG V. THE STATE (S19A1052)**
- \*\***BAMBERG V. THE STATE (S19A1054)**

(The Supreme Court has upheld the murder convictions and life prison sentences of this mother and son for the shooting death of the son's ex-wife, Allison Nicole Bamberg.)

- \* Thanquarius R. Calhoun (Franklin Co.) **CALHOUN V. THE STATE (S19A1411)**
- \* Cornelius Edwards (Fulton Co.) **EDWARDS V. THE STATE (S19A1577)**
- \* Fernando Hogan (Fulton Co.) **HOGAN V. THE STATE (S19A1448)**

(The Supreme Court has upheld Hogan's convictions and life prison sentence for murder and other crimes stemming from the 2014 shooting death of Kilon Williams and the aggravated assault of Williams's friend, Nicholas Gibson. However, the Court has vacated Hogan's conviction and sentence for the aggravated assault of Gibson, as that conviction should have been merged with the armed robbery conviction for sentencing purposes as they stemmed from the same incident.)

- \* Clark Milton Hyden (Franklin Co.) **HYDEN V. THE STATE (S19A1496)**
- \* Charles R. Kilpatrick, Jr. (Douglas Co.) **KILPATRICK V. THE STATE (S19A1580)**
- \* Omari Smith (Fulton Co.) **SMITH V. THE STATE (S19A1098)**
- \* Contresstis Tolbert (Muscogee Co.) **TOLBERT V. THE STATE (S19A1579)**
- \* Nathaniel Willie Wilkins (Chatham Co.) **WILKINS V. THE STATE (S19A1403)**

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

- \* Julianne Wesley Holliday **IN THE MATTER OF: JULIANNE WESLEY HOLLIDAY (S20Y0065, S20Y0066, S20Y0067)**