



Supreme Court of Georgia

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SUMMARIES OF OPINIONS

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MILLS V. THE STATE (S20A0364)

The Supreme Court of Georgia has reversed the murder and aggravated assault convictions of a man for his role in shooting to death an acquaintance at a social gathering following an argument. **Roger Mills** was tried with his co-defendant, Moses Bolar, in **Douglas County** for the 2017 murder of Masuto Garrett. Mills and Bolar were members of “Cuz6locc,” a street gang affiliated with the Crips gang. Following trial, in November 2018, the jury found Mills guilty on all counts, and he was sentenced to life in prison with no chance of parole. Bolar was acquitted of malice murder but found guilty on the remaining counts.

In his appeal to this court, Mills argued that the trial court erred by dismissing a juror who had voted to acquit him without sufficient inquiry or good cause. “We agree and so reverse Mills’s convictions,” **Justice John J. Ellington** writes for a unanimous court. However, “We also conclude that the evidence presented at trial was legally sufficient to support the convictions, so the State may retry Mills if it chooses.”

Although the question of whether to remove a juror is up to a trial judge’s discretion, “There must be some sound basis upon which the trial judge exercises his discretion to remove the juror,” today’s opinion says. “Where the basis for the juror’s incapacity is not certain or

obvious, some hearing or inquiry into the situation is appropriate to the proper exercise of judicial discretion.”

In this case, jurors had been deliberating more than four hours when they sent a note to the judge saying that one of the jurors “believes the defendants are not guilty, based on the evidence presented.” The following day, the jury sent a similar note to the judge, stating that the juror “does not believe any of the evidence that was submitted by the D.A. for this case, and says that there is no proof that Roger or Moses were in the house on Dec. 23, 2017.” After questioning the jury foreperson and learning the identity of the holdout juror, the judge informed Juror 23 that he was removing her from the jury.

“The trial court’s very limited inquiry into Juror 23’s possible incapacity fell short of providing a sound basis for her excusal,” today’s opinion says. “That Juror 23 had reached a conclusion different from that of the other jurors did not show that she was incapacitated or legally unfit to serve.”

Attorney for Appellant (Mills): Jason McLendon, Matthew Winchester

Attorneys for Appellee (State): Ryan Leonard, District Attorney, Samantha Newman, Dep. Chief Asst. D.A., Samantha Newman, Dep. Chief Asst. D.A., Aimee Sobhani, Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Matthew O’Brien, Asst. A.G.

KELLER V. THE STATE (S20A0006)

The Georgia Supreme Court has unanimously upheld **Randall Guy Keller**’s convictions for felony murder and other crimes for beating to death the 2-year-old son of his first wife, with whom he was living in **Muscogee County**. The couple had two daughters together, but Keller was not the biological father of 2-year-old William Powell, whom he treated differently than his daughters and verbally abused, according to the evidence at trial. In the early morning hours of June 7, 2013, while the rest of the family was asleep, the toddler was found on the floor, unresponsive, cold to the touch, and turning blue. Keller, who “did not sleep much,” had been up most of the night “doing stuff in the house.” After the child’s mother called 911, William was placed on life support at Columbus Regional Medical Center before he was transferred to Scottish Rite Hospital in Atlanta, where a CT scan showed brain damage and a skull fracture.

Following an investigation, Keller was arrested for the little boy’s murder. At Keller’s trial, jurors heard a recording of a call he made from jail to the child’s mother, in which he said, “it was an accident” and that he “liked to throw the kids on the couch,” but that “this time, he didn’t respond.” An expert in child abuse pediatrics testified that the injuries she observed on William’s body were consistent with child abuse, and his head injuries were consistent with his head having been slammed into something hard and flat like a hardwood floor. The GBI forensic pathologist who performed the autopsy testified that the child’s death was caused by multiple blunt trauma consistent with his head being slammed into a flat broad surface and that the manner of death was homicide.

On appeal, although Keller did not challenge the sufficiency of the evidence to support his convictions, “we have reviewed the record and conclude that the evidence presented at trial and summarized above was sufficient to enable a rational trier of fact to conclude beyond a reasonable doubt that Keller was guilty of the crimes for which he was convicted,” **Justice Michael P. Boggs** writes in today’s opinion. The high court has rejected Keller’s arguments and

numerous claims of error, including his allegation that the trial judge was biased against him and was not fair and impartial.

Attorney for Appellant (Keller): Kathryn Rhodes, Office of the Public Defender

Attorneys for Appellee (State): Julia Slater, District Attorney, George Lipscomb, Sr. Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith Sr. Asst. A.G., Leslie Coots, Asst. A.G.

VALRIE V. THE STATE (S20A0380)

In a **Gwinnett County** case, the Supreme Court of Georgia has upheld the murder conviction of a man sentenced to life in prison for killing his infant daughter. In 2017, a jury found **Reuben Arthur Valrie** guilty of felony murder, cruelty to children, and aggravated battery for the death of his months-old daughter, Aliyana. According to the facts at trial, Valrie lived with his girlfriend, Kendre Nix, and her three children. In October 2013, the couple had Aliyana, who was born prematurely and had to remain in the neonatal intensive care unit for about two months. She weighed approximately five pounds when she was discharged Dec. 11. On Dec. 22, Nix brought Aliyana to the hospital because she had been “crying uncontrollably.” X-rays of the baby’s chest and abdomen showed no abnormalities, and the doctor concluded she suffered from colic and constipation and prescribed medication to help.

The morning of Jan. 14, 2014, Nix’s three children went to school and she went to work, leaving Valrie home to care for the baby. There was conflicting evidence about how Valrie spent that day. He said he’d been late picking up Nix’s three children at the bus stop because he had been at the bank all morning and then had been delayed by a “stalled car” or “accident.” He later admitted he lied about the bank, and police could not corroborate that there had been a stalled car or accident that day. Valrie said that he and the children arrived home at around 4:00 p.m., and he took the baby and put her in the living room rocker.

When Nix returned home from work that day at about 5:30 p.m., she found Aliyana unresponsive, stiff, and cold to the touch. Nix called 911, screaming that her baby was dead. The infant was transferred to the hospital where efforts to resuscitate her failed and she was pronounced dead at 6:29 p.m. An autopsy showed the infant had died from head trauma and blunt force injury to her abdomen. She had nine broken ribs and about half her blood was hemorrhaged around her brain and in her abdomen.

Valrie provided several different stories to police investigators, first saying he had no idea how Aliyana had been injured and later saying she may have been hurt when her car seat fell over while he was running errands. When investigators said her injuries were inconsistent with the car seat falling over and were more likely as a result of being shaken or dropped, Valrie said the baby had rolled off the bed and fallen “head-first” onto the floor, which was carpeted. Valrie eventually acknowledged that he had briefly shaken the baby when he had returned with her to the apartment, and he noticed that her head went back like “whiplash” and that something “changed” as a result. Instead of seeking help for her, he swaddled her and put her in the living room rocker, then did some laundry. At trial, the jury rejected his defense that the baby died of natural causes and her injuries were caused by efforts to resuscitate her and the “rough” handling of her body by first responders. The jury instead found him guilty of murder.

“We conclude that the evidence presented at trial, when viewed in the light most favorable to the verdict, was sufficient to authorize a rational trier of fact to find beyond a

reasonable doubt that Valrie was guilty of the crimes of which he was convicted,” **Justice Keith R. Blackwell** writes in today’s unanimous opinion. Valrie’s sole argument on appeal was that he was denied effective assistance of trial counsel, in violation of his constitutional rights. “We disagree and affirm” the trial court’s judgment, the opinion says.

Attorney for Appellant (Valrie): Lynn Kleinrock

Attorneys for Appellee (State): Daniel Porter, District Attorney, Samuel d’Entremont, Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Alex Bernick, Asst. A.G.

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

- * Tommy Christopher Collins (Fulton Co.) **COLLINS V. THE STATE (S20A0158)**
- * Larmell Heyward (Fulton Co.) **HEYWARD V. THE STATE (S20A0399)**
- * Kenneth Howard (Richmond Co.) **HOWARD V. THE STATE (S20A0819)**
- * Darius Morris (Fulton Co.) **MORRIS V. THE STATE (S20A0176)**
- * Victoria Rickman (DeKalb Co.) **RICKMAN V. THE STATE (S20A0127)**
- * Herbert Robinson (Ben Hill Co.) **ROBINSON V. THE STATE (S20A0265)**
- * Cuevas Carlos Santana (DeKalb Co.) **SANTANA V. THE STATE (S20A0563)**
- * Antonio Sullivan (Fulton Co.) **SULLIVAN V. THE STATE (S20A0056)**
- * Ronald Shane Turner (Bibb Co.) **TURNER V. THE STATE (S20A0247)**
- * Richard L. Williams, II (Fulton Co.) **WILLIAMS V. THE STATE (S20A0241)**

IN LAWYER DISCIPLINARY MATTERS, the Georgia Supreme Court has **rejected** the special master’s recommendation to remove the following lawyer from practice and **remanded** the case for an evidentiary hearing on his mental competence and alleged violations of the Georgia Rules of Professional Conduct:

- * D. Dustin Tapley, Jr. **IN THE MATTER OF: D. DUSTIN TAPLEY, JR. (S20Y0754)**