



Supreme Court of Georgia

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SUMMARIES OF OPINIONS

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HILL V. THE STATE (S20A0285)

The Supreme Court of Georgia has reversed the murder conviction of a man found guilty by a **Chattooga County** jury for his role in stabbing to death a fellow inmate at Hays State Prison.

In today's decision, written by **Chief Justice Harold D. Melton**, the high court agrees with **Esco Hill** that the trial court erred by requiring him to be visibly shackled throughout his six-day trial, "and consequently, we reverse."

According to today's opinion, the evidence at trial showed that "on Aug. 20, 2011, a large group of inmates at Hays State Prison launched a retaliatory attack on fellow inmate Alfred Morris, which led to his death. Inmate Michael Lucas testified that Morris had a reputation for attacking Muslim inmates and stealing their possessions. On one occasion described by Lucas, Morris assaulted Hjalmar Rodriguez, a Muslim inmate, and stole his phone. After this attack,

Rodriguez went to Hill, whom most of the Muslim inmates identified as a leader of the prison's Muslim community." Hill asked Morris to return Rodriguez's phone, which Morris refused to do, saying, "I don't like y'all Muslims no way." "Thereafter, according to Lucas, Hill determined that something had to be done about Morris and developed a plan with Rodriguez and other inmates to attack Morris when he went to the medical unit for his morning insulin shot."

"Around 4:30 a.m. on Aug. 20, 2011, officers escorted a large group of inmates who were participating in Ramadan to the chow hall. Around the same time, Morris was escorted to the medical unit." While Morris was waiting for his shot, Rodriguez and another inmate, each wielding a shank, approached Morris in the medical unit. Morris threw a chair at the two men and fled, running toward the chow hall. A correctional officer saw Hill trip Morris, who stumbled before regaining his footing. Soon, "a crowd of inmates poured out of the chow hall doors and surrounded Morris in the yard, yelling 'Allahu Akbar' as they kicked and stabbed him." Correctional officers arrived at the scene and the inmates dispersed, throwing their weapons away. Morris died from the stab wounds. When officers tried to handcuff Lucas, Lucas struggled before Hill intervened and told Lucas to cooperate with the officers. Hill also encouraged other inmates to cooperate. DNA testing later revealed Morris's blood on Hill's pants.

In October 2014, a Chattooga County grand jury indicted Hill for malice murder, felony murder, and aggravated assault in connection with Morris's death. Hill's jury trial, where he represented himself (pro se) with the help of two stand-by counsel, was held Jan. 5-12, 2016. It began as a joint trial with his co-defendant Rodriguez, but Rodriguez pleaded guilty in the middle of the trial. The jury eventually found Hill guilty of malice murder but not guilty of the other charges, and Hill was sentenced to life in prison. Hill then appealed to the state Supreme Court.

In today's opinion, the high court concludes that, "the evidence presented at trial was sufficient for the jury to find Hill guilty beyond a reasonable doubt of the murder for which he was convicted."

However, "we conclude that the trial court committed reversible error" and abused its discretion by requiring Hill to be visibly shackled in front of the jury with handcuffs, a waist chain, and leg irons. That decision, Hill argued, prejudiced his right to a fair trial. "We agree," today's 26-page opinion says.

At their trial, before prospective jurors were brought into the courtroom, Hill and Rodriguez objected to the visibility of their shackles and requested their removal. "The prosecutor responded, 'I know with Mr. Hill specifically this morning there were security issues where he made certain statements along the lines of everybody was going to remember Esco Hill after this morning.' The prosecutor did not indicate that he personally heard any statement Hill made." Hill denied he ever made such a statement, but the trial judge ruled that "I'm going to stay with the restraints we have." The judge said she had planned to "allow you to remain without your hands under shackles but just feet shackles until we had problems with Mr. Hill and we have security issues. Security is a very serious issue here; this is a very old courthouse."

Today's opinion states that, "It is well established that 'no person should be tried while shackled...except as a last resort. As explained by the United States Supreme Court, shackling is an inherently prejudicial practice that undermines the presumption of innocence in the eyes of

the jury, hampers the defendant’s ability to participate in his own defense, and impacts the overall dignity of the judicial process.”

The opinion explains that a trial judge does have the discretion “to take account of special circumstances, including security concerns, that may call for shackling,” but “any such determination must be case specific; this is to say, it should reflect particular concerns, say, special security needs or escape risks, related to the defendant on trial.” A trial judge’s decision to shackle a defendant “must be subjected to close judicial scrutiny to determine if there was an essential state interest furthered by compelling a defendant to wear shackles and whether less restrictive, less prejudicial methods of restraint were considered or could have been employed.”

Here, the trial judge made two separate decisions regarding whether to shackle Hill – the first supposedly occurred pre-trial with the trial court’s initial security plan and the second occurred prior to jury selection. “The record before us does not support either of the trial court’s decisions to visibly shackle Hill,” the opinion says.

Although the trial judge seemed to have based her decision to keep Hill shackled in part, “upon an alleged threat he had made that morning, Hill disputed the information proffered by the prosecutor, which appears to have been hearsay as Hill claimed, and the trial court failed to establish a record – for example, by calling witnesses or holding an evidentiary hearing to support its determination that the threat warranted extra security measures,” today’s opinion says. “By the trial court’s own admission, it changed the original security plan based on this purported threat, yet it failed to put new individualized findings on the record in support of this change.” “Moreover, when Hill requested that the trial court ‘state for the record what the security issues were with [him] that required restraints,’ the trial court refused to do so.”

“For all of these reasons, we conclude that the trial court abused its discretion by requiring Hill to be visibly shackled at trial,” the opinion says. And although the State argues that the trial court’s decision was harmless because the evidence of Hill’s guilt was overwhelming, “We disagree,” the opinion says. “Although the evidence presented at trial was sufficient to sustain Hill’s conviction, it cannot be characterized as overwhelming. No witness saw Hill stab Morris.” Lucas, who testified as part of a plea deal, was the only witness who testified in support of the State’s theory that Hill was the mastermind behind the killing. Also, the State relied on testimony that Hill directed his fellow inmates to cooperate with officers as indicative of Hill’s guilt, “but his motive for encouraging the inmates’ cooperation is not clear.”

“Consequently, we cannot say that the error was harmless beyond a reasonable doubt,” the opinion says. “Accordingly, we must reverse Hill’s conviction.”

“Because we have concluded that the evidence at trial was sufficient to sustain Hill’s conviction, the State may choose to re-try him.”

Attorney for Appellant (Hill): Christina Cribbs, Sr. Assistant Appellate Defender

Attorneys for Appellee (State): Herbert “Buzz” Franklin, District Attorney, Chris Arnt, Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Ashleigh Headrick, Asst. A.G.

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

- * Brandon Antonio Carter (Richmond Co.) **CARTER V. THE STATE** (S20A0022)
- * Rupert Clive Clarke (Gwinnett Co.) **CLARKE V. THE STATE** (S19A0258)
- * Renita Collins (Fulton Co.) **COLLINS V. THE STATE** (S20A0195)
- * Lavaris Dawson (Fulton Co.) **DAWSON V. THE STATE** (S20A0217)
- * Jimmy Dale Evans (Evans Co.) **EVANS V. THE STATE** (S20A0007)
- * Jaquan Oliver (Dougherty Co.) **OLIVER V. THE STATE** (S20A0489)
- * Larry Rosser (Fulton Co.) **ROSSER V. THE STATE** (S20A0103)
- * Christopher Spencer (DeKalb Co.) **SPENCER V. THE STATE** (S20A0871)
- * Derrick Laquan Styles (Brooks Co.) **STYLES V. THE STATE** (S20A0236)
- * Javis Rayshaun Whitehead (Chatham Co.) **WHITEHEAD V. THE STATE** (S20A0171)

IN LAWYER DISCIPLINARY MATTERS, the Georgia Supreme Court has accepted a petition for **voluntary surrender of license** – tantamount to disbarment – from attorney:

- * Timothy Paul Healy **IN THE MATTER OF: TIMOTHY PAUL HEALY**
(S20Y1015)