



**Supreme Court of Georgia**  
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## **SUMMARIES OF OPINIONS**

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### **ROBERTS V. THE STATE (S20A0988)**

A woman charged with murder and other crimes for injecting liquid silicone into the buttocks of another woman, allegedly causing her death, has lost her pre-trial appeal under an opinion today by the Supreme Court of Georgia.

**Deanna Roberts** argued that a Georgia statute (Georgia Code § 16-1-8 (c)) barred her prosecution for state crimes involving the death of Lateasha Hall because she already had been convicted of a federal offense in federal court stemming from Hall's death.

In today’s opinion, however, the high court disagrees, concluding that Georgia Code § 16-1-8 (c) “does not bar the State’s prosecution of Roberts for the state offenses for which she was indicted.”

In May 2016, the federal government indicted Roberts for eight offenses relating to her use of liquid silicone, including two offenses involving her injection of liquid silicone into Hall. One of the federal offenses, to which Roberts pleaded guilty, was “theft of medical products.” The federal indictment alleged that Roberts “did by fraud and deception obtain liquid silicone which the defendant injected into the buttocks of L.H., and said violation did result in the death of L.H.”

In August 2017, a **Fulton County** grand jury indicted Roberts for five state crimes for injecting liquid silicone into Hall, which allegedly traveled to her lungs and rendered them useless, thereby killing her. The state indictment charged Roberts with malice murder, felony murder based on aggravated battery, felony murder based on practicing medicine without a license, practicing medicine without a license, and aggravated battery.

In October 2019, Roberts filed a statutory double jeopardy claim, arguing that because she had been convicted of a federal offense in federal court, her state prosecution was barred by Georgia Code § 16-1-8 (c) for all the crimes alleged in the Fulton County indictment other than malice murder. The trial court denied her claim, and Roberts then appealed to the state Supreme Court.

“This Court has explained that three factors must be satisfied for § 16-1-8 (c) to bar a state prosecution,” **Justice Sarah H. Warren** writes in today’s unanimous decision. “First, there is a ‘threshold’ requirement that the federal crime must be within the State’s concurrent jurisdiction. Second, the federal prosecution must have resulted in a conviction or acquittal. Third, the state and federal prosecutions ‘[must be] for the same conduct and [must] not require proof of a fact not required by the other (or the state crime was not complete at the time of the federal trial.)’”

“Here, we conclude that Roberts’s prosecution is not barred by § 16-1-8 (c) because the third element of its test is not satisfied insofar as the federal and state prosecutions each require proof of a fact not required by the other,” the opinion says. For one thing, the federal crime of theft of medical products, “requires proof of the element of interstate commerce – a fact not required to be proved by any of the four state offenses at issue, i.e. the two counts of felony murder and their predicate felonies.”

The federal offense of “theft of medical services required proof of a fact not required by the four state offenses, and the four state offenses each require proof of a fact that the federal offense does not.” Therefore, Georgia Code § 16-1-8 (c) does not prohibit Roberts from being prosecuted for the state crimes for which she was indicted, and the state Supreme Court has upheld the lower court’s judgment.

**Attorney for Appellant (Roberts):** Stephen Scarborough, Office of the Public Defender

**Attorneys for Appellee (State):** Paul Howard, Jr., District Attorney, Lydsey Rudder, Dep. D.A., Kein Armstrong, Sr. Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G.

## **CAMPBELL-WILLIAMS V. THE STATE (S20A0642)**

The Supreme Court of Georgia has upheld the murder conviction and life prison sentence given to a woman for the stabbing death of her long-time boyfriend.

**Tiquonda R. Campbell-Williams** and Tyress Malcome had an 8-to-10-year, tumultuous relationship characterized by verbal and physical abuse, according to witnesses. The couple had two children and lived together with them in **Gwinnett County**, along with Campbell-Williams's third child from a previous relationship. About a week before Malcome's death, Campbell-Williams reportedly tried to stab Malcome with a knife, threatened to cut off his penis, and carved profanity into his vehicle for failing to get her a gift for Mother's Day.

The afternoon of May 22, 2011, Malcome left to attend a funeral and then visit with some friends, including Lorenzo Sinclair. Campbell-Williams was angry when Malcome left, and according to later testimony from Malcome's mother, who was at the couple's home at the time, said, "your son is going to make me hurt him one day." When Malcome and Sinclair returned at about 2:00 a.m. the next morning, Campbell-Williams and Malcome began arguing, according to Sinclair's statement to police, which was later played to the jury. Sinclair told officers that he got between the couple to try to calm them down. Sinclair said he then saw Campbell-Williams grab something, which turned out to be a knife, and strike Malcome. Malcome and Sinclair then left the apartment. Bleeding profusely, Malcome got into Sinclair's vehicle, wrapped a blanket around his arm, and told Sinclair he wanted him to take him to the hospital. Sinclair instead drove him to the home of another friend, DeShawn Harvey, who lived "right down the street," intending for Harvey to drive Malcome to the hospital. Harvey later testified that he found Malcome in the passenger seat with a blanket around his arm and a significant amount of blood in the car. By then, Malcome was still breathing but unconscious. Harvey called 9-1-1 as he and Sinclair tried to find the source of Malcome's bleeding, although the darkness made that difficult. Malcome was later pronounced dead at the hospital after bleeding to death from a severed artery in his forearm.

At the couple's apartment, Campbell-Williams told a detective that she and Malcome had gotten into an argument when he came home drunk and that he had struck her on the right side of the head. She said she had grabbed a knife and stabbed him in the arm in self-defense. The detective did not observe any injuries to her.

Following a 2014 trial, the jury found Campbell-Williams guilty of felony murder and aggravated assault, and she was sentenced to life in prison. She then appealed to the Georgia Supreme Court.

In today's opinion, **Justice Charles J. Bethel** writes for a unanimous court that the evidence "was sufficient to authorize a rational trier of fact to conclude beyond a reasonable doubt that Campbell-Williams was guilty of felony murder."

In her appeal, Campbell-Williams made several arguments, but in today's opinion, the high court has rejected them all. Among her arguments, Campbell-Williams contends the trial court erred by failing to instruct the jury prior to its deliberations on "proximate cause and unforeseen or intervening cause of death," based on Sinclair's failure to take Malcome directly to the hospital. Campbell-Williams argued that medical intervention could have saved Malcome's life.

"Although the trial court did not explicitly instruct the jury on proximate cause, it did instruct the jury that Campbell-Williams was indicted for felony murder for causing Malcome's

death by cutting him with a knife,” today’s opinion says. The judge properly defined felony murder, instructing the jury that “a person commits the crime of felony murder when, in the commission of a felony, that person causes the death of another human being.” The judge also instructed the jury that State prosecutors had the burden of proving “every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt.”

“When viewed as a whole, these charges were sufficient to instruct the jury on the principles of proximate causation relevant to this case, and the trial court was not required to give a separate charge on proximate causation,” the opinion says.

“Additionally, a jury instruction on unforeseen or intervening cause of death was not supported by the evidence in this case. Sinclair’s failure to obtain medical care for Malcome’s injury quickly enough to save his life did not amount to an intervening or superseding cause because it was reasonably foreseeable that when Campbell-Williams stabbed Malcome and inflicted a life-threatening injury, Malcome would die without immediate medical intervention.”

“Any delayed or imperfect attempt to render or secure aid here cannot be characterized as an intervening cause of death,” the opinion says.

**Attorney for Appellant (Campbell-Williams):** Brian Steel

**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., Michael Oldham, Asst. A.G.

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

\* Dexter Anderson (Burke Co.)

**ANDERSON V. THE STATE (S20A0873)**

\* Deontae Tremayne Brooks (Fulton Co.)

**BROOKS V. THE STATE (S20A0895)**

(The Supreme Court has upheld Brooks’s convictions life-without-parole prison sentence for the malice of Branden Tinch and the aggravated assault of Lenard Gay. However, the District Attorney and Attorney General concede – and the high court agrees – that the evidence was insufficient to support Brooks’s conviction of possession of a firearm by a convicted felon during the commission of another felony. That conviction has been reversed and the case is remanded to fix the sentencing of two other firearm possession counts that had been merged into it.)

\* James Rashad Clay (Gwinnett Co.)

**CLAY V. THE STATE (S20A0727)**

\* Robert Harris (Fulton Co.)

**HARRIS V. THE STATE (S20A0855)**

(The Supreme Court has upheld Harris’s malice murder and other convictions, and life-without-parole prison sentence, for his role in the shooting

death of Kenneth Roberts and the assault of five other men. However, because the aggravated assault should have been merged with the aggravated battery for sentencing purposes, the Supreme Court has vacated Harris's conviction and sentence for aggravated assault.)

- \* Victor Hodges (Coffee Co.)
- \* Ki Song Kim (Gwinnett Co.)

**HODGES V. THE STATE (S20A0709)**

**KIM V. THE STATE (S20A0865)**

(The Supreme Court has upheld Kim's murder convictions and life-without-parole prison sentence for stabbing to death a married couple for whom he had worked, Young Chan Choi and Sun Hee Choi. But Kim's convictions for aggravated battery of the couple should have been merged with the malice murder convictions as the convictions for aggravated battery and malice murder were based on the same act of attacking the Chois with a knife. Therefore, the Court has vacated Kim's sentences for aggravated battery.)

- \* Kevin Reeves (Fulton Co.)

**REEVES V. THE STATE (S20A1005)**

(The Supreme Court has upheld Reeves's convictions for his role in the malice murder of Marquis Stephens and other crimes that were committed in connection with a gunfight at a house party. However, "we conclude that the trial court erred in failing to merge six of the counts of aggravated assault of which Reeves was convicted with six of the counts of attempted armed robbery" for sentencing purposes. The Court therefore has vacated Reeves's convictions and sentences on those six counts of aggravated assault.)

- \* Marquis Lejon Studivant (Hall Co.)

**STUDIVANT V. THE STATE (S20A1024)**