

ADMISSIBILITY (See also EVIDENCE, EXPERT)

--Burden of Proof

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--Lay Testimony

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--Transcript of Taped Statement

Slakman v. State, 272 Ga. 662 (2000). (some relief granted)

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--Instructions on Elements

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Beck v. State, 2005 Ga. App Lexis 493 (2005). (relief denied)

--Sufficiency of Evidence

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In the Interest of KDJ, (Brief) No. A99A2188 (relief denied)

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--Appellate Procedures

--Out of time appeals

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--Failure to Object Below

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--Full Record

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--Harmless Error

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Coleman v. State, 271 Ga. 800 (1999). (relief denied).

Henderson v. State, 252 Ga. App. 295 (2001). (*amicus*) (some relief granted)

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--Ineffective Assistance of Counsel

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Willingham v. State, 268 Ga. 64 (1997). (some relief granted)

---Failure to raise at probation Revocation Proceeding

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--Preservation of Issue

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--Reversible Error

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--Right to

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Cromer v. Allen, 237 Ga. 384 (1976).

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--Standard of Review

Siharath v. State, 246 Ga. App 736 (2000). (relief denied)

--Standard of Review----Abuse of Discretion

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--Standard of Review----Clearly Erroneous

State v. Thomas, 275 Ga. 167 (2000). (relief granted)

--Standard of Review----De Novo

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Balbosa v. State, 275 Ga. 574 (2002). (relief granted)

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--Standard of Review---Sufficiency of Evidence

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--Sufficiency of Evidence in Jury Trial

Beck v. State, 273 Ga.App. 363 (2004). (relief denied)

Billow v. State, 262 Ga.App. 850 (2003). (relief denied)

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McKenty v. State, 135 Ga. App. 271 (1975). (relief denied)

McKenzie v. State, 279 Ga. 265 (2005).

O'Connor v. State, 255 Ga.App. 893 (2002). (brief, cert petition) (relief denied)

Peters v. State, 242 Ga. App. 816 (2000). (Brief of Appellant) (relief granted)

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Shorter v. State, 239 Ga. App. 625 (1999). (relief denied)

Siharath v. State, 246 Ga. App 736 (2000). (relief denied)

--Transcripts

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Dungee et al v. Hopper, 241 Ga. 236 (1978).

--Right to a free transcript for indigent clients.

Stanley v. State, 267 Ga. App. 379 (2004). (some relief granted)

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BATTERY

--Aggravated
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BOLSTERING

--Prior Consistent Testimony
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[Keener v. MacDougall](#), 232 Ga. 273 (1974).
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--Sufficiency of Evidence
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--Excessive Force
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[Slakman v. State](#), 272 Ga. 662 (2000). (some relief granted)

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--Burden of Proof

[Sims v. State](#), 279 Ga. 389 (2005). (relief granted)

--evaluation of competency/competency hearing/ psychiatrist

[Williams v. Newsome](#), 254 Ga. 714 (1985).

--to Enter Guilty Plea

--to Stand Trial

[Sims v. State](#), 279 Ga. 389 (2005). (relief granted)

--to Take Part in other Proceedings

[Sims v. State](#), 279 Ga. 389 (2005). (relief granted)

CONFESSIONS

--Custodial Interrogation

[State v. Nash](#), 279 Ga. 646 (2005). (relief granted)

--Invoke Miranda

[State v. Nash](#), 279 Ga. 646 (2005). (relief granted)

--Unclear/Inaudible

[Slakman v. State](#), 272 Ga. 662 (2000). (some relief granted)

--Use of Statements Obtained In Violation of Miranda

[State v. Nash](#), 279 Ga. 646 (2005). (relief granted)

[Slakman v. State](#), 272 Ga. 662 (2000). (some relief granted)

--Voluntariness

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CONSTITUTIONAL CHALLENGE

--Child Hearsay Statute

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CONSTITUTIONAL RIGHTS

--Waiver of Constitutional Rights

[Parrish v. Hopper](#), 238 Ga. 468 (1977). (some relief granted)

CONTEMPT

[In re Torris Butterfield](#), 265 Ga. App. 745 (2004). (relief granted)

CONTINUANCE

Baker v. State, 238 Ga. App. 285 (1999). (relief granted)

COUNSEL

--Absence of at Critical Stage

Murray v. State, 265 Ga. App. 119 (2004). (relief granted)

--Absence of counsel on appeal

Payne v. State, No. A95A0879 (filed 1995) (amicus)

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--Civil Immunity

Karpowicz et al. v. Hyles, 274 Ga.App. 292 (2000). (amicus) (relief granted)

--Ineffectiveness of (SEE INEFFECTIVENESS OF COUNSEL)

--Of One's Own Choosing

Grant v. State, 278 Ga. 817 (2005).

Jackson v. State, 237 Ga. App. 746 (1999). (response brief) (relief granted)

COUNSEL, RIGHT TO

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--at Guilty Plea Withdrawal

Murray v. State, 265 Ga. App. 119 (2004). (relief granted)

--at Parole Revocation

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Roberts v. Scroggy, 278 Ga. 25 (2004). (Amicus) (relief granted)

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Parks et al. v. McClung, 271 Ga. 795 (1999). (Amicus) (relief denied)

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--of Own Choice

Jackson v. State, 237 Ga. App. 746 (1999). (appellant's response) (relief granted)

--Potential for imprisonment

Barnes v. State, 275 Ga. 499 (2002). (relief granted)

--Waiver of

Gibson v. Ricketts, 244 Ga. 482 (1979). (relief denied)

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Parks et al. v. McClung, 271 Ga. 795 (1999). (relief denied)

---Knowing and Intelligent

Jones v. Wharton, 253 Ga. 82 (1984).

Parks et al. v. McClung, 271 Ga. 795 (1999). (Amicus) (relief denied)

---Silent Record

Jackson v. Hopper, 243 Ga. 41(1979). (relief denied)

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Keener v. MacDougall, 232 Ga. 273 (1974).

Mason v. State, 239 Ga. 538 (1977). (relief denied)

- Insanity as a mitigating factor
Spivey v. State, 241 Ga. 477 (1978). (relief denied but strong dissent)
- Requirement to consider mitigating factors
Spivey v. State, 241 Ga. 477 (1978). (relief denied but strong dissent)
- Aggravating factors/prior record of conviction of capital felonies
Stephens v. Hopper, 241 Ga. 596 (1978). (Relief denied, but Dissent)

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- Absence of at Critical Stages
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- Denied Access to Witness Statements
Render v. State, 267 Ga. 848 (1997). (Brief of Appellant) (relief granted)
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Render v. State, 267 Ga. 848 (1997). (Brief of Appellant) (relief granted)
- Right to Present Defense
Coleman v. State, 271 Ga. 800 (1999). (Brief of Appellant) (relief denied).
- Right to Proceed *Pro Se*
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- Voluntary Choice?
Smith v. State, 232 Ga.App. 458 (1998). (relief granted)
- While Represented by Counsel
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Baker v. State, 238 Ga. App. 285 (1999). (relief granted)
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- Accident
 - Burden of Proof
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--Insanity

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State v. Shepard, NO. 03-CR-1578-10 (Sept. 2004) (amicus)

--Mere Presence

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--Self-Defense

O'Connor v. State, 255 Ga.App. 893 (2002). (cert petition) (cert denied)

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Willingham v. State, 268 Ga. 64 (2000). (some relief granted)

--Unconstitutionality of Statute or Ordinance

McKenzie v. State, 279 Ga. 265 (2005).

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--Multiple Prosecutions

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--Multiple Prosecutions----Through Mistrial

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--Multiple Punishment

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--No Counsel

Lee v. State, 254 Ga. App. 417 (2002). (relief denied)

Pless v. State, 2002 Ga. LEXIS 834 (2002). (cert petition) (cert denied)

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Coleman v. State, 271 Ga. 800 (1999). (relief denied).

--Continued Confinement

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--Defendant Shackled

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--Delay in Criminal Appellate Process

Chatman v Mancill, 278 Ga. 488 (2004). (amicus)

--Failure to Charge

Jackson v. State, 237 Ga. App. 746 (1999). (relief granted)

Mauk v. State, 2000 Ga. LEXIS 598 (2000). (US Supreme Court Cert Petition)
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--Fair Trial

Livingston v. State, 268 Ga. 205 (1997). (brief) (relief granted)

--Impermissible Prosecution Tactics

Coleman v. State, 271 Ga. 800 (1999). (relief denied).

Henderson v. State, 252 Ga. App 295 (2001). (amicus) (some relief granted)

Slakman v. State, 272 Ga. 662 (2000). (some relief granted)

--Ineffective Assistance of Counsel

Coleman v. State, 271 Ga. 800 (1999). (relief denied).

Gibson v. Ricketts, 244 Ga. 482 (1979). (relief denied)

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Henderson v. State, 252 Ga. App 295 (2001). (amicus) (some relief granted)

--Mandatory Presumptions

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--Non-Testifying Co-Defendant's Confession

Livingston v. State, 268 Ga. 205 (1997). (brief) (relief granted)

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--Perjured Testimony

Coleman v. State, 271 Ga. 800 (1999). (relief denied).

--Premature admission of prior convictions to jury

Bostick v Ricketts, 236 Ga. 304 (1976).

--Right to Present Defense

Parrish v. Hopper, 238 Ga. 468 (1977). (some relief granted)

--Speedy Trial

Chatman v Mancill, 278 Ga. 488 (2004). (amicus)

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--Habitual Violator

England v. State, 232 Ga. App. 842 (1988). (relief denied)

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Calhoun v. Couch, 232 Ga. 467 (1974).

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--Admissibility----Scientific

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--Aggravation of Sentence

Strange v. State, 244 Ga.App. 635 (2000). (cert denied)

--Character and Reputation

Slakman v. State, 272 Ga. 662 (2000). (some relief granted)

Coleman v. State, 271 Ga. 800 (1999). (relief denied).

--Circumstantial

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--DNA

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--False Allegation

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--Hearsay (See HEARSAY)

--Incrimatory Statements

Berryhill v. Ricketts, 242 Ga. 447 (1978). (some relief granted)

--Justification

[Robinson v. State](#), 275 Ga. 143 (2002). (Brief) (relief granted)

--Photographs

[Slakman v. State](#), 272 Ga. 662 (2000). (some relief granted)

--Police Reports

[Render v. State](#), 267 Ga. 848 (1997). (relief granted)

--Prejudice Greater Than Probative Value

[Lankford v. State](#), 204 Ga. App. 405 (1992). (relief denied)

--Prejudicial

[Richardson v. State](#), No. A05A2236 (filed 2005)

--Prior Consistent Statements

[Slakman v. State](#), 272 Ga. 662 (2000). (some relief granted)

--Prior Difficulties

[Slakman v. State](#), 272 Ga. 662 (2000). (some relief granted)

[Robinson v. State](#), 275 Ga. 143 (2002). (Brief) (relief granted)

--Proof of Other Crimes

[Bostick v. Ricketts](#), 236 Ga. 304 (1976).

--Proof of Venue

[Robinson v. State](#), 275 Ga. 143 (2002). (Brief) (relief granted)

--Relevancy---Remote

[Slakman v. State](#), 272 Ga. 662 (2000).

--Reverse Similar Transaction

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--Similar Transaction

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[Lankford v. State](#), 204 Ga. App. 405 (1992). (relief denied)

[Slakman v. State](#), 272 Ga. 662 (2000).

[Willingham v. State](#), 268 Ga. 64 (1997). (some relief granted)

--Tape Recordings

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--Witness Statements

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[Crawford v. State](#), 278 Ga. 95 (2004).

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[Johnson v. State](#), 272 Ga. 254 (2000). (Amicus) (relief denied)

[Siharath v. State](#), 246 Ga. App 736 (2000). (relief denied)

--Discretion of Court

[Johnson v. State](#), 272 Ga. 254 (2000). (Amicus) (relief denied)

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[Ray et. al. v. Jacobs](#), 272 Ga. 760 (2000).

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--Deficient Indictment---Underlying Felony

[Slakman v. State](#), 272 Ga. 662 (2000).

--Included Offense

[Berryhill v. Ricketts](#), 242 Ga. 447 (1978). (some relief granted)

--Merger of assault with felony murder

[Petty v. Smith](#), 279 Ga. 273 (2005). (relief granted)

[Willingham v. State](#), 268 Ga. 64 (1997). (some relief granted)

--Instructions on Elements

[Cromer v. State](#), 238 Ga. 425 (1977). (relief denied)

[Shepherd v. State](#)

--Instructions on Intent

[Dunagan v. State](#), 269 Ga. 590 (1998). (relief granted)

FIREARM, POSSESSION

--By Convicted Felon

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--Nolo Contendere Plea

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--Colloquy

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--Failure to Establish Factual Basis

England v. State, 232 Ga. App 842 (1998). (relief granted)

Foskey v. Battle, 277 Ga. 480 (2004). (relief granted)

Petty v. Smith, 279 Ga. 273 (2005). (relief granted)

--Inadequate Notice of Charge

Petty v. Smith, 279 Ga. 273 (2005). (relief granted)

--Ineffective Assistance of Counsel in

England v. State, 232 Ga. App. 842 (1998). (relief denied)

Gerisch v. Meadows, 278 Ga. 641 (2004). (relief granted)

Petty v. Smith, 279 Ga. 273 (2005). (relief granted)

Heyward v. Humphrey, 277 Ga. 565 (2004). (amicus) (relief granted)

--Jurisdiction to Accept Plea

Brown v. Caldwell, 231 Ga. 677 (1974).

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--Reconstructing Silent Record

Green v. State, 2005 Ga. LEXIS 365 (2005). (amicus) (relief granted)

--Right to Counsel

Jones v. Terry, 279 Ga. 623 (2005) (Amicus). (relief granted)

--Voluntariness

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Green v. State, 2005 Ga. 635 (October 3, 2005). (relief granted)

Lockett v. Williams (Application for a Certificate of Probable Cause)

--Voluntariness---Lack of Counsel

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--Voluntariness---Lack of Understanding of Charges

Lockett v. Williams (Application for a Certificate of Probable Cause)

--Voluntariness---Misunderstanding of Value of Plea Bargain
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--Waiver of Rights
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--Withdrawal of
----After Sentencing
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Jackson v. Hopper, 243 Ga. 41(1979). (relief denied)

---Challenging Guilty Plea

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Green v. State, 2005 Ga. 635 (October 3, 2005). (relief granted)
Foskey v. Battle, 277 Ga. 480 (2004). (relief granted)
Heyward v. Humphrey, 277 Ga. 565 (2004). (amicus) (relief granted)
Jones v. Terry, 279 Ga. 623 (2005). (amicus) (relief granted)

---Competent Interpreter at Habeas Hearing

Ramos v. Terry, (filed 2005) (Amicus)

---Filing

Massaline v. Williams, 274 Ga. 552 (2001). (relief denied)

---Jurisdiction

State v. McCrary, 193 Ga. App. 11 (1989).

---Presence at oral argument in habeas appeal

Springs v. Seese, 274 Ga. 659 (2001).

---Right to Counsel

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---Right to be Present for Oral Argument

Parole Officer of Lesha Springs v. Seese, No. S01A1239

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Hogan v. Nagel, 273 Ga. 577 (2001). (appellee's brief) (relief granted)

--State---to Inquire Into Cause of Detention

Grace v. Hopper, 234 Ga. 669 (1975).

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HARMLESS ERROR

Balbosa v. State, 275 Ga. 574 (2003). (amicus) (relief granted)

HEARSAY

In the Interest of KDJ, No. A99A2188 (brief) (relief denied)

Livingston v. State, 268 Ga. 205 (1997). (brief) (relief granted)

Render v. State, 267 Ga. 848 (1997). (brief) (relief granted)

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--Hearsay---Motive

Slakman v. State, 272 Ga. 662 (2000). (some relief granted)

--Hearsay necessity exception

Yancey v. State, 275 Ga. 550 (2002).

Slakman v. State, 272 Ga. 662 (2000). (some relief granted)

--Hearsay---Prior Difficulties

Slakman v. State, 272 Ga. 662 (2000). (some relief granted)

--Improper Bolstering

Astudillo v. State, 244 Ga. App. 612 (2000). (relief denied)

--In Parole Revocation

Williams v. Lawrence, 273 Ga. 295 (2001).

--No Reliability

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In the Interest of KDJ, No. A99A2188 (relief denied)

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Brown v. Caldwell, 231 Ga. 677 (1974).

--Charge of Court

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Dungee v. Hopper, 241 Ga. 236 (1978).

King v. State, 271 Ga. App. 384 (2005).

Robinson v. State, 275 Ga. 143 (28, 2002). (Brief) (relief granted)

State v. Kell; State v. Cash, 276 Ga. 423 (2003).

VERDICT

--Aggravating Circumstance

Jones v. State, No. S05A1195. (Brief of Appellant)

--Contrary to Law and Evidence

Jones v. State, No. S05A1195. (Brief of Appellant)

--Defective

Jones v. State, No. S05A1195. (Brief of Appellant)

--Merger

Jones v. State, No. S05A1195. (Brief of Appellant)

Maddox v. State, A06A0107. (Brief of Appellant)

--Mutually Exclusive

Sheperd v. State, No. S05A1561. (Brief)

--Redundant

Jones v. State, No. S05A1195. (Brief of Appellant)

VICTIM

--Prior Violent Acts

Beck v. State, 2005 Ga. App. LEXIS 493 (2005). (relief denied)

--Right to confront

Williams v. State, 266 Ga. App. 578 (2004). (relief denied)

VINDICTIVE SENTENCING AFTER REMAND

Williams v. State, (filed 2005).

VOLUNTARY MANSLAUGHTER

Lockett v. Williams,. (Application for a Certificate of Probable Cause)

--Instructions on Elements

Cromer v. State, 238 Ga. 425 (1977). (relief denied)

Caldwell v. Kreps. (Application for Certificate of Probable Cause)

O'Connor v. State, 2002 Ga. LEXIS 702 (2002). (Cert Petition) (cert denied)

Willingham v. State, 268 Ga. 64 (1997). (some relief granted)

WITNESSES

--Accomplice

Bryant v. Evans, 244 Ga. 673 (1979). (relief denied)

--Comparing Statements

Render v. State, 267 Ga. 848 (14, 1997). (Brief of Appellant) (relief granted)

--Hearsay Testimony

In the Interest of KDJ, No. A99A2188. (Brief) (relief denied)

--Improper Expressions of Opinion

Render v. State, 267 Ga. 848 (14, 1997). (Brief of Appellant) (relief granted)

--Incompetent

In the Interest of KDJ, No. A99A2188. (Brief) (relief denied)

--Motivation to Lie

Mohamed v. State, 276 Ga. 706 (2003). (Brief of Appellant) (relief granted)

--Opinion Testimony

Render v. State, 267 Ga. 848 (14, 1997). (Brief of Appellant) (relief granted)

--Prior Inconsistent Statement

Render v. State, 267 Ga. 848 (14, 1997). (Brief of Appellant) (relief granted)

--Right to confront

Emory v Hopper, 237 Ga. 369 (1976).

Livingston v. State, 268 Ga. 205 (1997). (Brief) (relief granted)

Render v. State, 267 Ga. 848 (14, 1997). (Brief of Appellant) (relief granted)

Williams v. Lawrence, 273 Ga. 295 (2001). (Amicus) (habeas relief granted)

YOUTHFUL OFFENDER SENTENCING

Carridine v. Ricketts, 236 Ga. 283 (1976).

Patton v. Ricketts, 236 Ga. 293 (Feb. 1976). (Affirmed w/ direction)