State v. Jackson

- The Facts
  - Carlester Jackson, Warren Smith, and Jerold Daniels conspired to rob a drug dealer at gunpoint
    - The victim was armed -- He shot and killed Daniels in self defense
- Procedural Posture
  - Jackson and Smith were indicted for felony murder along with other offenses
    - The defendants moved to dismiss the case under State v. Crane, 247 Ga. 779 (1981)
    - The State appealed the dismissal
    - The parties stipulated that Jackson, Smith, and Daniels conspired to commit an armed robbery on someone they all three believed was a drug dealer. Daniels approached the victim with a handgun, with Jackson nearby in a getaway vehicle. The victim and Daniels exchanged gunfire, and Daniels was killed
    - The argument on appeal was that because the victim fired the shot that killed their co-conspirator, they did not directly cause Daniels's death and that, under Crane, the case should be dismissed
    - The State asked the Court to overrule Crane
- Majority Opinion
  - Justices in Majority: Nahmias, Melton, Hines, Carley
  - Nahmias begins by pointing out that Georgia is a "proximate cause" state meaning "that which, in a natural and continuous sequence, unbroken by any efficient invervening cause, produces injury, and without which the result would not have occurred"
  - Court has held earlier that there is proximate cause when the accused's "act or omission played a substantial part in bringing about or actually causing the [victim's] injury or damage and ... the injury or damage was either a direct result or a reasonable probable consequence of the act or omission."
  - Test for causation in homicide cases: where one inflicts an unlawful injury, such injury is to be accounted as the efficient, proximate cause of death whenever it shall be made to appear, either that:
    - the injury itself constituted the sole proximate cause of death
    - or that the injury directly and materially contributed to the happening of a subsequent accruing immediate cause of death
    - Or that the injury materially accelerated the death, although proximately occasioned by a pre-existing cause
  - The application of proximate cause to felony murder is nothing new
  - Here, it should not be anything novel of complicated to say that defendants should be tried for the death of the co-conspirator by the victim acting in self-defense if there is evidence that the victim being armed was reasonably forseeable before the co-conspirators committed the robbery
  - Crane
    - while the facts were identical, the opinion is not very detailed (a page and a half in length)
    - The Court applies the rule of lenity and interprets the law to require that "he causes" means that he knowingly causes the death of another. We have been more nuanced in our application of proximate caused that the binary direct-indirect dichotomy. Causes has always meant more than just direct versus indirect
    - The inconsistent application of Crane's holding
      - It's only ever been applied wholeheartedly twice
        - Hyman v. State, 272 Ga. 492 (2000). Police came to Defendant's home looking for a murder suspect. He falsely told police suspect was not there. Police were allowed to search, and the suspect shot and killed an officer. Suspect was charged with felony murder with the underlying felony being giving a false statement.
        - Smith v. State, 267 Ga. 372 (1996). Court upheld conviction for death of an innocent bystander killed by someone engaging in a gunfight with the defendant.
      - McCoy v. State, 262 Ga. 699 (1993). Felony murder conviction upheld where a firefighter's was killed after falling into a well while responding to a fire defendant intentionally set.
      - Durden. conviction upheld where store owner responding to a burglary died of a heart attack after exchanging shots with the defendant
      - We ignore Crane most of the time, so it really isn't that precedential -- and we don't apply the rule of lenity in all homicide cases in the same binary way that we applied it in Crane
      - Vehicular homicide cases
        - Pitts. Crane ignored where police officer bumped defendant's truck to stop him causing the truck to crash and killing a baby riding in the truck.
        - Ponder v. State, 274 Ga. App. 93 (2005). Defendant was under the influence and recklessly fleeing police. Police car veered into oncoming traffic and collided with a Buick, and killed the officer.
        - McGrath v. State, 277 Ga. App. 825 (2006). McGrath was driving recklessly and under the influence and crashed into another vehicle. A nurse saw the wreck and stopped to assist. Another car hit the nurse hit her pinning her between two cars. She then fell into the road where two other vehicles ran her over.
        - Why do we do it one way under the felony murder statute and another way for vehicular homicide?
  - Stare decisis considerations
    - While is it is important, it is not "an inexorable command" nor "a mechanical formula of adherence to the latest decision" it is a principle of policy.
    - In considering whether to "reexamine a prior erroneous holding" we must balance
      - the importance of having the question decided against the importance of having it decided right.
      - We must consider factors such as:
        - the age of the precedent
        - the reliance interests at stake
        - the workability of the decision
        - the soundness of its reasoning
      - Here, Crane's reasoning is unsound and contrary to our body of law. It establishes no substantive rights.
        - It is old, but it does not have the force of law because it is often ignored
        - Not much need for a statutory response from legislature because they may not know the impact -- for instance, what about the cases that were never brought
  - Holding -- "We hold that the felony murder statute requires only that the defendant's felonious conduct proximately cause the death of another person."
- Hunstein's dissent along with Benham and Thompson
  - The holding in Crane is compelled by the plain language of O.C.G.A. Section 16-2-20. The closest we come to the factual situation at bar is "Intentionally causes some other person to commit the crime under such circumstances that the other person is not guilty of any crime either in fact or because of legal incapacity."
  - Even the indictment in this case does not allege intentional causation
  - The majority has created a new form of causation not provided by the legislature
- Thompson's dissent joined by Hunstein and Benham
  - The meaning of "he causes" is subjec to two interpretations, and we unanimously made the choice to not include proximate causation in Crane
  - Nahmias himself embraced proximate causation in Baptiste
  - Nothing has changed between now and when Crane came out except the composition of the court.
  - What the majority has done here eliminates "predictability, stability, and continuity that is essential to a well-ordered judicial system