

COUNTIES & THE LAW

This edition of *Counties & the Law* includes decisions of interest to county attorneys published in the Daily Report Opinions Weekly between April 2, 2016, and April 8, 2016.

We welcome your suggestions and opinions regarding Counties & the Law. Please contact Kelly Pridgen at kpridgen@accg.org or Joe Scheuer at jscheuer@accg.org with your comments.

CONSTITUTION

Owens v. State

Supreme Court of Georgia
April 6, 2016; S165A0058

This case involves a challenge to a felony murder conviction contending the right to proceed pro se was violated. Prior to trial, the defendant dismissed her attorney. The trial court conducted a *Farreta* hearing and then granted the request. During pre-trial proceedings the defendant then asked for counsel to be reinstated which the trial allowed. During trial the defendant sought to dismiss trial counsel. The trial court refused. The defendant testified after the trial court engaged in a full colloquy about the right to remain silent. The defendant was convicted. On appeal, the Supreme Court affirmed. The trial court protected the defendant's best interests by not allowing her to proceed pro se. The record indicates that trial counsel informed the court on record that he discussed the right to remain silent and strongly recommended that she not testify. The defendant ignored the advice.

Spoone v. State

Georgia Court of Appeals
April 4, 2016; A15A1721

This case involves a challenge to a DUI and traffic offense conviction. A sheriff deputy responded to a 911 call about a car striking a telephone pole which then left the scene. The deputy followed an auto fluid trail to the home where the smoking, wrecked vehicle was parked. The defendant's mother allowed the deputy to enter the home. The defendant was found inside injured. Both the mother and injured person agreed to accompany the deputy outside to look at the vehicle. The defendant consented to chemical blood testing. The defendant was well over the limit. A conviction ensued. On appeal, the Court of Appeals affirmed. Although there were conflicting accounts, the probate court had determined the deputy to be credible and the Court found no reason to disturb the probate court findings that consent had been voluntary.