

**IN THE SUPREME COURT OF THE  
STATE OF GEORGIA**

|                         |   |                               |
|-------------------------|---|-------------------------------|
| <b>TLANI ROBINSON,</b>  | ) |                               |
| <b>Appellant,</b>       | ) | <b>CASE NUMBER S26A1080</b>   |
|                         | ) |                               |
| <b>VS.</b>              | ) |                               |
|                         | ) | <b>On appeal from Fulton</b>  |
| <b>STATE OF GEORGIA</b> | ) | <b>County Superior Court,</b> |
| <b>Appellee.</b>        | ) | <b>Case No. 22SC184612</b>    |

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**PRINCIPAL RESPONSE BRIEF OF APPELLEE  
BY THE DISTRICT ATTORNEY**

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On the night of July 1, 2022, victim Daniel Johnson was shot and subsequently died from his injuries during an attempted drug transaction with Appellant T’Lani Robinson and codefendant Daniel Wright.

**STATEMENT OF THE CASE**

A Fulton County grand jury returned an indictment against Appellant Robinson and codefendant Wright which charged Appellant Robinson with twelve (12) counts: malice murder (count 1), felony murder (counts 2, 3, 4, and 5), armed robbery (counts 6 and 7), aggravated assault with a deadly weapon (counts 8 and 9), attempted purchase of marijuana (count 10), possession of a firearm during the

commission of a felony (count 11), and possession of a firearm by a first offender probationer (count 12). (V.1 3-11).<sup>1</sup>

At the conclusion of Appellant Robinson's trial with codefendant Wright, which occurred from June 10-July 20, 2024, a jury found Appellant Robinson guilty of two counts: felony murder (count 4) and attempted purchase of marijuana (count 10), and found Appellant Robinson not guilty on count 5 (felony murder), count 7 (armed robbery), and count 12 (possession of firearm by first offender probationer). (V.1 164-167; V.11 11-13; V.25 1402-1406). The jury was unable to reach a verdict as to the remaining counts. (V.1 164-167; V.11 11-13; V.25 1402-1406). The trial court declared a mistrial as to counts 1, 2, 3, 6, 8, 9, and 11 (V.1 168), and the State subsequently nolle prossed those counts. (V.1 169-171; V.26 2).The trial court

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<sup>1</sup> Citations to the Record, which is contained in Volume 1 of the electronic record, are marked "V.1" followed by the appropriate page number(s) listed in the electronic record. Citations to the Trial Transcript are marked "V." followed by the appropriate volume number(s) of the electronic record and the appropriate page number(s) as listed in the original pagination for each volume. Citations to the November 20, 2025 motion for new trial transcript, which is contained in Volume 27 of the electronic record, are marked "V.27" followed by the appropriate page number(s) listed in the electronic record.

sentenced Appellant Wright to a total sentence of life to serve.<sup>2</sup> (V.1 169-171; V.26 22).

Appellant Robinson timely filed a motion for new trial on June 24, 2024. (V.1 172-174). On November 7, 2025, the State filed a response in opposition. (V.1 193-207). On November 14, 2025, Appellant Robinson filed an amended motion for new trial. (V.1 208-210). On November 18, 2025, the State filed a response in opposition. (V.1 211-224). On November 20, 2025, the trial court convened an evidentiary hearing on Appellant Robinson's motion for new trial. (V.27 3995-4008). Based upon Appellant Robinson's testimony at the motion for new trial hearing, Appellant Robinson filed a second amended motion for new trial later that same day on November 20, 2025. (V.1 225-227). The State filed a response in opposition on November 25, 2025. (V.1 229-239). On January 28, 2026, the trial court entered an order denying Appellant Robinson's motion for new trial. (V.1 240-248).

On February 17, 2026, Appellant timely filed a notice of appeal. (V.1 1-2). This appeal was docketed in this Court on March 26, 2026. Appellant timely filed his opening brief on April 13, 2026. On April 28, 2026, the State through the District Attorney filed a motion for an extension of time of fourteen (14) days to submit its

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<sup>2</sup> The trial court sentenced Appellant Robinson on count four (felony murder) to life to be served in confinement; and count ten (attempted purchase of marijuana) merged with count four. (V.1 169-171; V.26 22).

brief on behalf of the Appellee, which this Court granted. *See* Exhibit A. This Principal Response Brief of Appellee of behalf of the District Attorney now follows.

### **STATEMENT OF MATERIAL FACTS**

On the night of July 1, 2022, police responded to a “person shot” call in the area of 351 Connally Street in Fulton County. (V.6 585, 596, 633-634). Near the intersection of King Street and Woodward Avenue, the police found Daniel Johnson lying on the ground with multiple gunshot wounds. (V.6 584, 586, 608; V.7 649, 748-749). Mr. Johnson was conscious, but unable to tell the police what had happened. (V.6 586, 605). Mr. Johnson was transported to Grady Hospital, where he later died. (V.6 586; V.7 747-748). A forensic pathologist determined that the cause of Mr. Johnson’s death were the multiple gunshot wounds. (V.9 1121-1122)

The police followed a trail of blood from the corner of King Street and Woodard Avenue through a park to 386 Kelly Street in Fulton County, which they determined was the initial crime scene. (V.6 587; V.7 632-634, 641, 646-648, 656, 659, 748; V.8 933). The police recovered numerous pieces of evidence from Kelly Street, including a cell phone with the screen powered on, a plastic grocery bag containing clothing and lip balm, and three 9mm cartridge casings. (V.7 636-646, 650, 652, 661-663, 703-705, 751). The cell phone was unlocked, with the CashApp

application open and receiving notifications, and the Google Maps GPS application was also open. (V.7 751-752). The police were able to access the cell phone's emergency contact information, which listed Appellant Robinson as the owner of the phone. (V.7 754, 789, 812; V.8 835-836). However, later that night, the phone was accessed remotely and the Google account was deleted from the phone. (V.8 837-838). The police also obtained the license plate number for Appellant Robinson's car from license plate reader cameras around the crime scene. (V.7 802-804).

The police contacted Mr. Johnson's girlfriend, Kayla Tucker, who told them she was with Mr. Johnson in her Acura MDX when he met up with a black male and a black female at the Shell gas station at the corner of Kelly Street and Hill Street and agreed to sell them some marijuana. (V.6 499-500, 502, 523; V.7 750, 754-755, 757, 760-761, 798-799; V.8 850, 855). Ms. Tucker described the man as a light or brown skinned man of average height with a low or fade haircut and the woman as having long red hair that was a wig or weave. (V.6 503, 520; V.7 760-761, 801; V.8 840, 844, 929). Ms. Tucker said that they all left the gas station and went to Kelly Street nearby, where Mr. Johnson got out of the car and met the man and woman at the trunk of the Acura for the drug transaction. (V.6 531, 542, 555; V.8 799). Ms. Tucker while she stayed in the passenger seat of the Acura. (V.6 531, 542, 555; V.8

799). Ms. Tucker told the police that Mr. Johnson was returning to the driver's side of the Acura when she heard gunshots and saw Mr. Johnson running away. (V.6 520, 550; V.8 799). Ms. Tucker said that the man then came to the driver's side of the Acura and pointed a gun at her, so she got out of the car and ran in a different direction than Mr. Johnson. (V.6 524, 550; V.7 799, 930; V.9 1063). Ms. Tucker said that she fell and lost one of her Croc shoes while running away, that she didn't know where Mr. Johnson was, and that, when she came back to the Acura, the following items were missing from the vehicle: a Glock 40 caliber pistol that had been in the driver's door pocket, and a cross-body bag containing marijuana that had been in the car trunk, which had been reopened since Ms. Tucker's flight.<sup>3</sup> (V.6 506, 510, 536, 551-552, 554; V.7 799-800; V.8 851, 949, 1000; V.9 1052-1053, 1059-1060). The police determined that codefendant Wright, who was a known associate of Appellant Robinson, matched Ms. Tucker's description of the male assailant, so they prepared a photo lineup from which Ms. Tucker identified codefendant Wright

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<sup>3</sup> Neither the gun nor the cross-body bag were ever recovered. (V.8 955; V.9 1060-1061).

as the person who shot Mr. Johnson and pointed the gun at her. (V.6 528-529, 540-542; V.7 801; V.8 858, 885-887, 960-962, 1021).<sup>4</sup>

The police obtained surveillance video from the Shell gas station, which showed the Acura SUV occupied by Mr. Johnson and Ms. Tucker and a gray Hyundai Sonata occupied by Appellant Robinson and codefendant Wright at the gas pumps, then showed both cars leaving the gas station and driving towards Kelly Street, with the Sonata occupied by Appellant Robinson and codefendant Wright following the Acura occupied by Mr. Johnson and Ms. Tucker. (V.7 761-774; V.8 1009-1010).

The police also obtained surveillance video from one of the houses on Kelly Street, which showed Appellant Robinson's Sonata parking behind the Acura. (V.6 560-564; V.7 775, 779-780, 783). The video showed that Appellant Robinson and codefendant Wright met Mr. Johnson at the back of the Acura to complete the drug transaction, the Acura's trunk was closed, and Mr. Johnson began returning to the driver's side of the Acura. (V.6 573; V.7 785). The video showed a flash from gunfire in front of the SUV, then showed Mr. Johnson running away on Kelly Street, and Ms. Tucker jumping out of the Acura and running in a different direction from

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<sup>4</sup> Ms. Tucker was also shown a lineup containing Appellant Robinson's picture, but Ms. Tucker could not identify anyone in the lineup. (V.6 504, 556; V.7 792-797; V.8 962).

Mr. Johnson. (V.6 573-574, 581; V.7 634-635, 786). The video also showed that the Acura trunk reopened, then Appellant Robinson and codefendant Wright came back to the Sonata, turned the car around on Kelly Street, and drove through the Shell station parking lot heading south on Hill Street. (V.7 786-788; V.8 1001-1004; V.9 1041).

The police obtained Appellant Robinson's cell phone records and her Google account records,<sup>5</sup> and they reviewed her Facebook page. (V.7 791, 807, 811-812; V.8 846-847, 849, 858-859). After reviewing Appellant Robinson's cell phone records, the police located codefendant Wright's number and also obtained his cell phone records. (V.7 811-815; V.8 887-888). The cell phone records showed that Appellant Robinson and codefendant Wright were in consistent communication throughout the day on July 1, 2022, but that communications between their phones ceased between 9 p.m. and 10:30 p.m., then resumed after 10:30 p.m.<sup>6</sup> (V.8 875-881). Using cell site location information from the cell phone records, the police mapped the locations of Appellant Robinson's and codefendant Wright's cell phones

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<sup>5</sup> Defendant Robinson's Google records showed that her account was deleted on July 2, 2022. (V.8 859).

<sup>6</sup> The shooting occurred between 10 and 10:30 p.m. on July 1, 2022. (V.6 510, 564-565; V.8 834, 880).

of the night of July 1, 2022, which showed that both cell phones were in the area of the shooting on July 1, 2022 at 10:23 p.m. (V.8 865-875, 899-902).

Via telephone, the police also interviewed Appellant Robinson, who stated that she was buying marijuana at the Shell gas station when there was a shooting, which caused her to run away and drop her phone. (V.7 789, 812-813; V.8 888-892, 903, 919, 993; V.9 1048-1049). Appellant Robinson stated that she did not know either where her phone was or that anyone had been shot. (V.8 985-988). Appellant Robinson also said that she knew codefendant Wright but had not seen him recently, and she stated that she was alone at the time of the shooting. (V.8 891-893; V.9 1048).

However, cell phone records disproved her statement and showed that codefendant Wright was in the area at the time that Appellant Robinson called and spoke to the police. (V.8 904, 965; V.9 1045-1046). Appellant Robinson's statement also conflicted with the surveillance video evidence showing that the shooting did not occur at the Shell gas station and that codefendant Wright was with Appellant Robinson at the time of the shooting. (V.8 912, 979, 988; V.9 1048, 1050). Appellant Robinson and codefendant Wright were subsequently arrested. (V.6 612-615; V.8 893, 896).

At trial, Appellant Robinson testified that she had dated codefendant Wright for about four years and that she was dating him on July 1, 2022. (V.9 1135, 1140). Appellant Robinson testified that she and codefendant Wright followed the other car from the Shell gas station and parked behind the other car, then got out of the car and walked over to Mr. Johnson, and she testified that she gave Mr. Johnson her phone with CashApp open because she thought codefendant Wright wanted her to pay for something. (V.9 1142, 1145-1147, 1150, 1165, 1168, 1171-1177, 1181, 1201). Appellant Robinson testified that gunshots rang out, then she and codefendant Wright ran back to the car and drove away. (V.9 1148, 1177, 1182, 1184, 1199). Appellant Robinson testified that she didn't know that anyone was hurt or where her phone was, so she wiped her phone remotely because it was lost. (V.9 1149-1150, 1157, 1186). Appellant Robinson also testified that Mr. Johnson had a gun in the waistband of his pants at the Shell gas station, but she denied that codefendant Wright had a gun that day. (V.9 1156, 1179-1180, 1194-1195). In addition, Appellant Robinson testified that she did not know there was a robbery, that she did not rob anyone, and that she did not participate with codefendant Wright to point a gun at Ms. Tucker or to take the gun and bag from Ms. Tucker's car. (V.9 1157-1158, 1194).

At the conclusion of trial, the jury convicted Defendant Robinson of felony

murder and attempted purchase of marijuana. (V.1 164-167; V.11 11-13; V.25 1402-1406).

### **ARGUMENT & CITATION OF AUTHORITY**

**I. The Evidence in this Case Was Sufficient to Prove Appellant's Guilt Beyond a Reasonable Doubt, And The Jury Was Authorized To Convict Appellant Of Felony Murder Based On The Attempted Purchase Of Marijuana.**  
***(Enumerations of Error 1 and 2)***

In her first enumeration of error, Appellant asserts that the evidence is insufficient to enable a rational trier of fact to find proof of guilt of felony murder beyond a reasonable doubt, arguing that the attempted purchase of marijuana did not cause the victim's death in this case. (Brief of Appellant, pp. 5-6). In her second enumeration of error, Appellant contends that the offense of attempted purchase of marijuana cannot support a conviction for felony murder. (Brief of Appellant, p. 6). The State submits that, because a drug transaction is inherently dangerous and the evidence showed that Mr. Johnson's death resulted from the shooting which occurred during Appellant Robinson's and codefendant Wright's attempted purchase of marijuana, the evidence was sufficient to authorize the jury to convict Appellant Robinson of felony murder.

A challenge to the sufficiency of the evidence must be reviewed under the

standard enunciated in *Jackson v. Virginia*, 443 U.S. 307, 99 S. Ct. 2781, 61 L.E.2d 560 (1979), which is whether a rational trier of fact could have found the defendant guilty beyond a reasonable doubt. *Taylor v. State*, 303 Ga. 624, 626, 814 S.E.2d 353 (2018); *Cunningham v. State*, 304 Ga. 789, 791, 822 S.E.2d 281 (2018). The evidence is reviewed in a light most favorable to the verdict, with deference to the jury's assessment of the weight and credibility of the evidence. *Draughn v. State*, 311 Ga. 378, 381, 858 S.E.2d 8 (2021); *Lumpkin v. State*, 310 Ga. 139, 145, 849 S.E.2d 175 (2020). "As long as there is some competent evidence, even though contradicted, to support each fact necessary to make out the State's case, the jury's verdict will be upheld." *Chavers v. State*, 304 Ga. 887, 891, 823 S.E.2d 283 (2019); *Jones v. State*, 304 Ga. 594, 598, 820 S.E.2d 696 (2018).

A person commits felony murder when, "in the commission of a felony, he or she causes the death of another human being irrespective of malice." O.C.G.A. § 16-5-1(c). This Court has explained that the State must establish "certain related prerequisites" to convict a defendant of felony murder:

First, the predicate felony the defendant committed must be one from which it was reasonably foreseeable that death could result. We have described this as a requirement that the predicate felony was "inherently dangerous." Second, the death must have been the probable or natural consequence of the defendant's conduct, a concept known as "proximate cause." Third, in keeping with the statutory language, the death must have been caused "in the commission of" the predicate felony.

*Eubanks v. State*, 317 Ga. 563, 568, 894 S.E.2d 27 (2023). As to the first requirement, any felony that “inherently dangerous to human life” or created a “foreseeable risk of death” by its circumstances can serve as a predicate for felony murder. *Pinion-Lopez v. State*, 322 Ga. 503, 508, 920 S.E.2d 599 (2025); *Wilson v. State*, 315 Ga. 728, 733, 883 S.E.2d 802 (2023). The second requirement of proximate cause “requires that the death actually happened in a way that was a reasonably foreseeable result of the criminal conduct.” *Holloway v. State*, 320 Ga. 653, 656-657, 911 S.E.2d 543 (2025); *Melancon v. State*, 319 Ga. 741, 750, 906 S.E.2d 725 (2024). Determining whether it was “reasonably foreseeable” that death could result from the predicate crime requires considering “the elements of the felony not in the abstract, but in the actual circumstances in which the felony was committed.” *Clements v. State*, 317 Ga. 772, 784, 896 S.E.2d 549 (2023); *Treadaway v. State*, 308 Ga. 882, 885, 843 S.E.2d 784 (2020).

Here, Appellant Robinson was convicted of felony murder based on the predicate offense of attempted purchase of marijuana. This Court has repeatedly recognized that “violence is inherent in the business of dealing illegal drugs.” *State v. Spratlin*, 305 Ga. 585, 595-596, 826 S.E.2d 36 (2019); *Hood v. State*, 303 Ga. 420, 423, 811 S.E.2d 392 (2018). Furthermore, “it is among the ‘incidental, probable

consequences of an illegal drug transaction that something may go wrong and someone may be killed.” *Wilson v. State*, *supra* at 734.

Here, the evidence showed that Mr. Johnson’s death resulted from the shooting which occurred during Appellant Robinson’s and codefendant Wright’s attempted purchase of marijuana, which was sufficient to authorize to convict Defendant Robinson of felony murder based on the predicate offense of attempted possession of marijuana. *Id.*; see also *Pinion-Lopez v. State*, *supra* at 508-509 (jury authorized to convict the defendant of felony murder where the evidence showed that the victim’s death during a drug transaction was a reasonably foreseeable consequence); *Hood v. State*, 303 Ga. 420, 423, 811 S.E.2d 392 (2018) (evidence sufficient for jury to find the defendant guilty of felony murder where the fatal shooting occurred during drug transaction and the victim’s death was a direct and foreseeable consequence); *Davis v. State*, 290 Ga. 757, 760-761, 725 S.E.2d 280 (2012) (risk of death from attempted drug transaction was reasonably foreseeable and the defendant proximately caused victim’s death when he arranged to purchase marijuana from the victim and the defendant’s brother shot the victim).

Accordingly, the evidence in this case was sufficient for the jury to find Appellant Robinson guilty of felony murder predicated on attempted purchase of marijuana, and these enumerations of error should be denied.

## II. The Jury Verdict Was Not Repugnant Or Mutually Exclusive. (Enumeration of Error 3)

Appellant argues that the verdict of guilty on felony murder was inconsistent with and repugnant to the jury's other verdicts of acquittal.<sup>7</sup> (Brief of Appellant, pp. 6-7). Because the jury's verdicts were neither mutually exclusive nor repugnant, this ground provides no basis for a new trial and should be denied.

Looking first at Appellant Robinson's claim that the verdicts were mutually exclusive, "[t]he term 'mutually exclusive' generally applies to two guilty verdicts that cannot legally exist simultaneously. In such cases, where it is both legally and logically impossible to convict on both counts, a new trial should be ordered." *Middleton v. State*, 309 Ga. 337, 339, 846 S.E.2d 73 (2020); *McElrath v. State*, *supra* at 110. "Mutually exclusive verdicts are not merely inconsistent, confusing, or otherwise irregular — they are void." *Middleton v. State*, *supra* at 341-342. "[T]he rule is not implicated where, as here, verdicts of guilty and not guilty are returned." *Tepanca v. State*, 297 Ga. 47, 49, 771 S.E.2d 879 (2015); *Watson v. State*, 289 Ga. 39, 44n.5, 709 S.E.2d 2 (2011). Furthermore, the Georgia Supreme Court

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<sup>7</sup> The jury found Appellant Robinson not guilty on count 5 (felony murder based on possession of firearm by first offender probationer), count 7 (armed robbery), and count 12 (possession of firearm by first offender probationer). (V.1 164-167; V.11 11-13; V.25 1402-1406). The jury was unable to reach a verdict as to the remaining seven counts. (V.1 164-167; V.11 11-13; V.25 1402-1406).

“has recognized that verdicts are not mutually exclusive and reversal is not required where the offenses underlying the convictions can be reconciled by looking to either the legal requirements for each underlying offense or to the unique facts adduced at trial.” *State v. Springer*, 297 Ga. 376, 378 n.1, 774 S.E.2d 106 (2015).

Here, the jury’s verdicts finding Appellant Robinson guilty of felony murder based on attempted possession of marijuana and guilty of attempted possession of marijuana, and the jury’s verdicts finding her not guilty of felony murder based on possession of firearm by a first offender probationer, armed robbery, and possession of firearm by first offender probationer are not mutually exclusive. *Tepanca v. State*, *supra*; see *McElrath v. State*, *supra* at 111 (“As McElrath’s verdicts are not two contradictory guilty verdicts, his verdicts cannot be classified as ‘mutually exclusive.’”). Likewise, the jury’s verdicts finding Appellant Robinson guilty of felony murder based on attempted possession of marijuana, and guilty of attempted possession of marijuana were legally and logically capable of existing simultaneously, and therefore are not mutually exclusive. See *Caldwell v. State*, 317 Ga. 507, 511, 893 S.E.2d 125 (2023) (“Here, even under Caldwell’s logic, the jury’s verdicts are not repugnant because they can logically co-exist.”).

The jury verdicts in this case also were not repugnant. “Repugnant verdicts occur when, in order to find the defendant not guilty on one count and guilty on

another, the jury must make affirmative findings shown on the record that cannot logically or legally exist at the same time.” *Feder v. State*, 319 Ga. 66, 68, 901 S.E.2d 561 (2024); *Caldwell v. State*, 317 Ga. 507, 511, 893 S.E.2d 125 (2023). “Repugnant verdicts must be vacated.” *Id.*; *McElrath v. State*, 308 Ga. 104, 111, 839 S.E.2d 573 (2020). “A truly repugnant verdict is rare.” *Davis v. State*, 370 Ga. App. 439, 441, 896 S.E.2d 612 (2023) (citing *State v. Owens*, 312 Ga. 212, 217 (1) (b) (862 SE2d 125) (2021)).

Here, the jury did not make any findings on the record that cannot logically or legally exist at the same time. *See McElrath v. State, supra* (“Though they do not involve two guilty convictions, repugnant verdicts suffer from a similar infirmity as mutually exclusive verdicts; they occur when, in order to find the defendant not guilty on one count and guilty on another, the jury must make affirmative findings shown on the record that cannot logically or legally exist at the same time.”); *Feder v. State, supra* at 69 (“We cannot know and should not speculate why a jury acquitted on one offense and convicted on another offense. The reason could be an error by the jury in its consideration or it could be mistake, compromise, or lenity.”).

Finally, to the extent that Appellant Robinson may be attempting to allege that the verdicts were inconsistent, the inconsistent verdict rule has been abolished. *Collins v. State*, 312 Ga. 727, 734, 864 S.E.2d 85 (2021); *see also Carter v. State*,

298 Ga. 867, 868, 785 S.E.2d 274 (2016) (“[B]ecause the inconsistent verdict rule has been abolished, a defendant cannot attack as inconsistent a jury verdict of guilty on one count and not guilty on a different count as a legitimate means of having his or her conviction reversed.”).

For all of these reasons, the jury verdicts were neither mutually exclusive nor repugnant, and this enumeration of error should be denied.

**III. The Trial Court Did Not Abuse Its Discretion Admitting Testimony About The Surveillance Video.**  
*(Enumeration of Error 4)*

Appellant argues that the trial court erred in permitting a detective to provide improper opinion and conclusion testimony as to identity based on a courtroom viewing of a video. (Brief of Appellant, p. 7). Because the trial transcript shows that the trial court did not abuse its discretion by admitting the testimony, this enumeration of error should be denied.

**A. Relevant excerpts from trial transcript.**

During trial, Appellant Robinson moved in limine to ask the Court to prevent Detective Randall McClure from testifying about what he thinks was going on in the surveillance video, arguing that he was not an expert witness, his opinion was irrelevant and speculative, any probative value was outweighed by prejudice, and

the testimony would be cumulative. (V.7 723-724). The State argued that the testimony was rationally based on inferences the detective made by viewing the videos and asked the trial court to deny the motion. (V.7 724-725).

During Detective McClure's testimony, Appellant Robinson objected to his testimony about what happened after the cars drove to Kelly Street on the basis of speculation and lack of foundation. (V.7 775). The State responded that he was testifying about what he did and learned through his investigation, and the trial court ruled that the witness could testify based on what he observed in the surveillance video. (V.7 775). Appellant Robinson asked to be heard outside the presence of the jury, then Appellant Robinson reasserted her motion in limine asking to preclude the witness from speculating about the identity of people in the video. (V.7 775-776). After hearing argument from the State and from Appellant Robinson (V.7 776-779), the trial court overruled Appellant Robinson's objection. (T. 777, 779).

**B. The trial court properly admitted the evidence.**

The admission of evidence is committed to the sound discretion of the trial court, and the trial court's decision whether to admit or exclude evidence will not be disturbed on appeal absent an abuse of discretion. *Jones v. State*, 305 Ga. 750, 751, 827 S.E.2d 879 (2019); *Anglin v. State*, 302 Ga. 333, 337, 806 S.E.2d 573 (2017).

This Court has held that, “where there is ‘some basis for concluding that a witness is more likely to correctly identify a defendant as the individual depicted in surveillance images, then lay opinion testimony identifying a defendant in surveillance images is admissible under Rule 701.’” ***Durden v. State***, 318 Ga. 729, 733, 899 S.E.2d 679 (2024) (quoting ***Glenn v. State***, 306 Ga. 550, 555 (3) (832 SE2d 433) (2019)). Pursuant to O.C.G.A. § 24-7-701 (a), “a lay witness may testify in the form of opinions or inferences that are rationally based on the witness’s perception, helpful to a clear understanding of the determination of a fact in issue, and not based on scientific, technical, or other specialized knowledge.” ***Pritchett v. State***, 314 Ga. 767, 781, 879 S.E.2d 436 (2022); ***Harris v. State***, 309 Ga. 599, 604, 847 S.E.2d 563 (2020).

Here, Detective McClure’s testimony identifying Appellant Robinson and codefendant Wright was rationally based on his investigation and inferences which he made after reviewing of the surveillance videos. Therefore, his identification testimony was admissible as lay opinion testimony under O.C.G.A. § 24-7-701(a). ***Dickey v. State***, 313 Ga. 593, 597, 872 S.E.2d 297 (2022). Accordingly, the trial court did not abuse its discretion in admitting the testimony. ***Anderson v. State***, 313 Ga. 178, 187, 869 S.E.2d 401 (2022). As a result, this enumeration of error should be denied.

**IV. Appellant Received Effective Assistance From Trial Counsel.  
(Enumeration of Error 5)**

In her final enumeration of error, Appellant alleges that she received ineffective assistance of trial counsel in the following ways: a) trial counsel did not have sufficient time to prepare for trial and only met with her two times before trial; b) trial counsel failed to file a motion for bifurcation of Appellant Robinson's prior conviction for possession of a dangerous weapon; and c) trial counsel failed to move to sever Appellant Robinson's trial from codefendant Wright. Because Appellant Robinson failed to show deficient performance by her trial counsel or that the alleged deficiencies prejudiced her defense, Appellant failed to show that trial counsel was ineffective. Accordingly, these enumerations of error should be denied.

**A. Relevant excerpts from motion for new trial transcript.**

At the motion for new trial hearing, Appellant Robinson did not present testimony from her trial counsel, but she herself testified that she wanted to raise several grounds that trial counsel provided ineffective assistance.<sup>8</sup> (V.27 3998). Appellant Robinson testified that her trial counsel was not sufficiently prepared for

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<sup>8</sup> Appellant Robinson did not raise any claims that trial counsel provided ineffective assistance in her original motion for new trial or her amended motion for new trial (V.1 172-174, 208-210), but instead raised the claims during the motion for new trial hearing and in her second amended motion for new trial, which was filed later that same day that the motion hearing was held. (V.1 225-227).

trial because her trial counsel was assigned to her case only a few weeks before trial and only came to see her once or twice. (V.27 3998-3999). Appellant Robinson also testified that she believes that she would not have been found guilty if she had been granted a severance from codefendant Wright's trial. (V.27 3999). In addition, Appellant Robinson testified that she believes that she would not have been found guilty if her trial counsel had not made the mistake of not seeking a bifurcated trial for the count of possession of a firearm by a first offender probationer, even though the jury found her not guilty on that count. (V.27 4000).

In its order, the trial court denied Appellant Robinson's motion for new trial as amended, but made no specific factual findings on the ineffective assistance of counsel allegations. (V.1 240-248).

**B. Trial counsel provided effective assistance.**

Even though the trial court did not make any specific factual findings regarding Appellant Robinson's ineffectiveness claims, "remand is not mandated if we can determine from the record that the defendant cannot establish ineffective assistance of counsel under the two-prong test set forth in *Strickland*." ***Lane v. State***, 312 Ga. 619, 623, 864 S.E.2d 34 (2021); ***Burrell v. State***, 301 Ga. 21, 24, 799 S.E.2d 181 (2017).

In order to prevail on an ineffective claim under *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L.E.2d 674 (1984), a defendant “must show that trial counsel’s performance was so deficient that it fell below an objective standard of reasonableness, and that counsel’s deficient performance prejudiced the defense such that a reasonable probability exists that the trial results would have been different but for counsel’s performance.” *Jones v. State*, 314 Ga. 400, 407, 877 S.E.2d 232 (2022); *Bragg v. State*, 295 Ga. 676, 678, 763 S.E.2d 476 (2014).

To prove deficient performance, a defendant must show that his trial counsel acted or failed to act in an objectively unreasonable way, considering all of the circumstances and in light of prevailing professional norms. *Foreman v. State*, 306 Ga. 567, 570, 832 S.E.2d 369 (2019); *Stuckey v. State*, 301 Ga. 767, 771, 804 S.E.2d 76 (2017). “This is no easy showing, as the law recognizes a ‘strong presumption’ that counsel performed reasonably, and [the defendant] bears the burden of overcoming this presumption.” *Redding v. State*, 307 Ga. 722, 726, 838 S.E.2d 282 (2020); *Thornton v. State*, 307 Ga. 121, 126, 834 S.E.2d 814 (2019). To carry this burden, a defendant “must show that no reasonable lawyer would have done what his lawyer did, or would have failed to do what his lawyer did not.” *Hurston v. State*, 310 Ga. 818, 825, 854 S.E.2d 745 (2021); *Brown v. State*, 302 Ga. 454, 457, 807 S.E.2d 369 (2017).

To show prejudice, a defendant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. *Valrie v. State*, 308 Ga. 563, 566, 842 S.E.2d 279 (2020); *Sims v. State*, 297 Ga. 401, 404, 774 S.E.2d 620 (2015). "A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Satterfield v. State*, 309 Ga. 843, 846, 849 S.E.2d 165 (2020); *Esprit v. State*, 305 Ga. 429, 434, 826 S.E.2d 7 (2019).

"Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim." *Franklin v. State*, 351 Ga. App. 539, 545, 831 S.E.2d 186 (2019); *McAllister v. State*, 343 Ga. App. 213, 217, 807 S.E.2d 14 (2017). This Court accepts a trial court's factual findings and credibility determinations on an ineffectiveness of trial counsel claim unless they are clearly erroneous, but applies legal principles to the facts de novo. *Bonner v. State*, 314 Ga. 472, 474, 877 S.E.2d 588 (2022); *Powell v. State*, 309 Ga. 523, 526-527, 847 S.E.2d 338 (2020).

*i.      **Preparation for trial:*** Appellant Robinson contends that her trial counsel was ineffective for failing to sufficiently prepare for trial and only met with her two times before trial.

However, Appellant Robinson has failed to present any evidence as to what further preparation might have produced that would have made a difference in the outcome of her trial. **Roberts v. State**, 305 Ga. 257, 266, 824 S.E.2d 326 (2019); **Lane v. State**, 299 Ga. 791, 795, 792 S.E.2d 378 (2016). A defendant claiming that her counsel was underprepared must show that more preparation might have produced something that would have made a difference in the outcome of his trial. **Chapman v. State**, 322 Ga. 237, 244, 918 S.E.2d 349 (2025); **Roberts v. State**, 305 Ga. 257, 266, 824 S.E.2d 326 (2019).

“In the absence of evidence to the contrary, counsel’s decisions are presumed to be strategic and thus insufficient to support an ineffective assistance of counsel claim.” **Holland v. State**, 314 Ga. 181, 190, 875 S.E.2d 800 (2022); **Lanier v. State**, 310 Ga. 520, 526, 852 S.E.2d 509 (2020). “Critically, a defendant must show both deficient performance and prejudice through competent evidence, for a silent or ambiguous record is not sufficient to overcome the strong presumption of reasonable performance.” **Tedder v. State**, 320 Ga. 29, 40, 907 S.E.2d 623 (2024). Where a defendant fails to present the testimony of her trial counsel, “it is extremely difficult to overcome the strong presumption that counsel’s performance was reasonable.” **Lane v. State**, 299 Ga. 791, 795, 792 S.E.2d 378 (2016); **Wright v. State**, 296 Ga. 276, 285, 766 S.E.2d 439 (2014).

“[T]here exists no magic amount of time which counsel must spend in actual conference with his client,” and Appellant Robinson “does not specifically describe how additional communications” with her trial counsel would have enhanced her defense. *Styles v. State*, 309 Ga. 463, 472, 847 S.E.2d 325 (2020); *Henry v. State*, 307 Ga. 281, 283, 835 S.E.2d 602 (2019). Therefore, Appellant Robinson “has not sufficiently alleged, much less met [her] burden to show, deficient performance” by trial counsel. *Williams v. State*, 316 Ga. 304, 320, 888 S.E.2d 60 (2023); *Blackmon v. State*, 302 Ga. 173, 175 (2) (805 SE2d 899) (2017).

Therefore, Appellant Robinson has failed to show that trial counsel’s performance was deficient or that she suffered prejudice, this enumeration of error should be denied.

*ii. Failure to move for bifurcation:* Appellant Robinson alleges that trial counsel was ineffective for failing to file a motion to bifurcate the count of possession of a firearm by a convicted felon.

However, a trial court does not err in refusing to bifurcate the charge of possession of a firearm by a first offender probationer where, as in this case, the possession charge was an underlying felony to a murder count of the indictment. *Tabor v. State*, 315 Ga. 240, 247, 882 S.E.2d 329 (2022); *George v. State*, 276 Ga. 564, 565, 580 S.E.2d 238 (2003). *See also Franklin v. State*, 306 Ga. 872, 877, 834

S.E.2d 53 (2019) (“[T]his Court has held that when possession of a firearm by a convicted felon is charged as a predicate felony for felony murder, bifurcation is not warranted.”); *Cooks v. State*, 299 Ga. 787, 789-790, 792 S.E.2d 389 (2016) (“But where, as here, the count charging possession of a firearm by a convicted felon might serve as the underlying felony supporting a felony murder conviction, a motion to bifurcate should be denied.”).

Because the trial court would have been required to deny a motion to bifurcate the first offender in possession charge if one had been made, Appellant Robinson cannot show that her trial counsel was deficient for failing to move for bifurcation. *Tabor v. State*, *supra*; *Talley v. State*, 314 Ga. 153, 165, 875 S.E.2d 789 (2022). *See also Rawls v. State*, 310 Ga. 209, 221, 850 S.E.2d 90 (2020) (“The failure to raise a meritless motion or objection is not ineffective assistance of counsel.”). Accordingly, this enumeration of error should be denied.

*iii. Failure to move to sever:* Appellant Robinson alleges that trial counsel was ineffective for failing to file a motion to sever her trial from codefendant Wright’s case.

“Generally, the failure to file a motion to sever does not require a finding of ineffective assistance since the decision whether to seek severance is a matter of trial tactics or strategy, and a decision amounting to reasonable trial strategy does not

constitute deficient performance.” *Terrell v. State*, 313 Ga. 120, 131, 868 S.E.2d 764 (2022); *DeLoach v. State*, 308 Ga. 283, 289, 840 S.E.2d 396 (2020); *see also Wells v. State*, 307 Ga. 773, 777, 838 S.E.2d 242 (2020) (whether to seek a severance is a matter of trial strategy, and trial counsel’s decision would constitute deficient performance only if it was so unreasonable that no competent attorney would have made that decision).

Here, Appellant Robinson has made no showing that a motion to sever would have been granted even had trial counsel sought severance. Pursuant to O.C.G.A. § 17-8-4 (a), defendants in non-death penalty cases who are jointly indicted “may be tried jointly or separately in the discretion of the trial court.” In ruling on a severance motion, a trial court “should consider: (1) the likelihood of confusion of the evidence and law; (2) the possibility that evidence against one defendant may be considered against the other defendant; and (3) the presence or absence of antagonistic defenses.” *Draughn v. State*, 311 Ga. 378, 386, 858 S.E.2d 8 (2021); *Floyd v. State*, 307 Ga. 789, 795-796, 837 S.E.2d 790 (2020). To require a severance, the defendant has the burden “to do more than raise the possibility that a separate trial would give him a better chance of acquittal. He must make a clear showing that a joint trial would lead to prejudice and a consequent denial of due process.” *Blackledge v.*

*State*, 299 Ga. 385, 388, 788 S.E.2d 353 (2016); *Colbert v. State*, 345 Ga. App. 554, 557, 813 S.E.2d 777 (2018).

Appellant Robinson and codefendant Wright were jointly indicted and both were charged with the same crimes arising out of the same incident, so that the law and the evidence were substantially the same for both; the evidence showed that Appellant Robinson and codefendant Wright acted in concert; and Appellant Robinson and codefendant Wright did not present antagonistic defenses. Because the trial court would not have abused its discretion by denying a motion to sever even if Appellant Robinson's trial counsel had filed such a motion, Appellant Robinson has failed to show deficient performance or prejudice. *Chapman v. State*, 322 Ga. 237, 244, 918 S.E.2d 349 (2025); *Green v. State*, 302 Ga. 816, 820, 809 S.E.2d 738 (2018); *Lupoe v. State*, 300 Ga. 233, 243, 794 S.E.2d 67 (2016). As a result, this enumeration of error should be denied.

**C. Conclusion.**

Because Appellant Robinson failed to show deficient performance by her trial counsel in any of the ways that she alleged and failed to show that the alleged deficiencies prejudiced her defense, Appellant received effective assistance from trial counsel. Accordingly, these three enumerations of error should be denied.

### **CONCLUSION**

WHEREFORE, for all of the above-stated reasons, the State respectfully requests this HONORABLE COURT **DENY** Appellant T’lani Robinson’s appeal and affirm her convictions.

This 19<sup>th</sup> day of May, 2026.

/s/ Ruth M. Pawlak  
Ruth M. Pawlak  
Senior Assistant District Attorney  
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Georgia Bar No. 045810

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### **CERTIFICATION OF WORD COUNT**

I certify that this submission does not exceed the word-count limit imposed by Rule 20.

This 19<sup>th</sup> day of May, 2026.

/s/ Ruth M. Pawlak  
Ruth M. Pawlak  
Georgia Bar No. 045810

**IN THE SUPREME COURT OF THE  
STATE OF GEORGIA**

|                         |   |                               |
|-------------------------|---|-------------------------------|
| <b>TLANI ROBINSON,</b>  | ) |                               |
| <b>Appellant,</b>       | ) | <b>CASE NUMBER S26A1080</b>   |
|                         | ) |                               |
| <b>VS.</b>              | ) |                               |
|                         | ) | <b>On appeal from Fulton</b>  |
| <b>STATE OF GEORGIA</b> | ) | <b>County Superior Court,</b> |
| <b>Appellee.</b>        | ) | <b>Case No. 22SC184612</b>    |

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this brief was served upon the following persons via electronic mail:

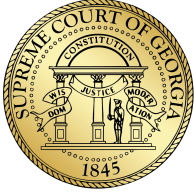
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I also certify that there is a prior agreement with Mr. Raffauf and Ms. Frazier to allow documents in a PDF format sent via email to suffice for service under Supreme Court Rule 14.

This 19<sup>th</sup> day of May, 2026.

/s/ Ruth M. Pawlak  
Ruth M. Pawlak  
Senior Assistant District Attorney  
Atlanta Judicial Circuit  
Georgia Bar No. 045810



SUPREME COURT OF GEORGIA  
Case No. S26A1080

April 29, 2026

T'LANI ROBINSON v. THE STATE.

Your request for an extension of time to file the brief of appellee in the above case is granted until May 19, 2026.

A copy of this order **MUST** be attached as an exhibit to the document for which the appellee received this extension.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

  
, Clerk