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MAY 24, 2023 10:05 AM

Angela Eder Johnson
Angela Eder-Johnson, Clerk
Oconee County, Georgia

IN THE SUPERIOR COURT OF OCONEE COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

v.

KINO MARTEZ DOWNS,

Defendant.

Case No. SUCR2021000205

ORDER

This case came before this Court on May 17, 18, and 19th for motions, a jury trial, and sentencing. The State was represented by Mr. Graham Penney. Defendant was present and represented by Ms. Megan Dempsey. Defendant was charged with felony Theft by Shoplifting. The jury returned a verdict for Theft by Shoplifting, More than \$500, guilty. The Court included a lesser included offense of Theft by Shoplifting, Less than \$500, on the verdict form. After the verdict was returned, Defendant moved for a directed verdict. After hearing the entire trial, and after reviewing the appropriate law, this Court finds as follows:

First, the Court finds that there was sufficient evidence for the jury to convict Defendant. The Court finds that there was a conflict in evidence where jury could have found Defendant guilty of misdemeanor theft by shoplifting.

Since the jury found Defendant guilty of a felony, it is clear that the jury took into account all of the items alleged by the State to have been taken by Defendant from Walmart. However, the Court finds that the accusation was drafted in such a way that it listed only the television as the merchandise at issue. The Court finds that there was no legal way to satisfy the

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