

IN THE SUPERIOR COURT OF CLARKE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS.

TYLER RIDGEWAY,
DEFENDANT

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CRIMINAL ACTION NO.
SU23CR0226-N

Filed in Open Court
This 21 day of February, 2024.
Julian Bayon Deputy Clerk
Athens-Clarke County Superior/State Court

ORDER ON DEFENDANT'S PLEA IN BAR AND
MOTION TO DISMISS

Defendant Tyler Ridgeway, by and through counsel, filed a Plea in Bar and Motion to Dismiss based on collateral estoppel in the above-styled case. Prosecution of this case is barred because Defendant has already been convicted of theft by receiving certain property that was taken in the armed robbery alleged in the above-styled case. See SU-23-CR-0227-N.

In the instant matter, Defendant is accused of being a "principal thief" in an armed robbery in which a red and black Glock 43X was stolen from Jyietavious Rivers. Defendant has already been convicted of theft by receiving the same red and black Glock 43X in case no. SU-23-CR-0227-N. The crimes of theft by receiving and armed robbery are mutually exclusive. *Turner v. State*, 353 Ga. App. 741 (2020). This is because Defendant cannot be both the unlawful receiver of the gun and the robber of the gun at the same time. The doctrine of "collateral estoppel" provides that "when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit." *U.S. v. Oppenheimer*, 242 U.S. 85 (1916). By convicting Defendant of theft by receiving the gun, the Court has determined that he was not a participant in the armed robbery. See *Hinton v. State*, 36

Md. App. 52 (1977). Therefore, the subsequent prosecution of armed robbery in the instant case is barred in its entirety.

Accordingly, the Defendant's Plea in Bar shall be GRANTED and the indictment shall be DISMISSED.

SO ORDERED this 29 day of February, 2024.



CHIEF JUDGE ERIC W. NORRIS
Superior Court, Western Judicial Circuit